

of North Dakota, favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petitions of citizens of Pembina, Cando, Hallson, and Cass County, N. Dak., against the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Posts Nos. 2, 11, 21, 22, 33, and 41, Department of North Dakota, Grand Army of the Republic, indorsing the bill to establish a Branch Home for disabled soldiers at or near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petitions of citizens of Rutland, Dell Rapids, and Ransom County, N. Dak., favoring the Grout bill relating to oleomargarine—to the Committee on Ways and Means.

Also, resolution of the Trades League of Philadelphia, Pa., approving the Senate amendments to the legislative bill respecting the Hydrographic Office, Navy Department—to the Committee on Appropriations.

By Mr. SPERRY: Petition of Merriam, No. 29, Woman's Relief Corps, of Meriden, Conn., urging the passage of House bill No. 5475, prohibiting the sale of liquor in Army canteens—to the Committee on Military Affairs.

By Mr. STEVENS of Minnesota: Petition of the Shakespeare Club, of Minneapolis, Minn., in favor of the proposed national park in northern Minnesota—to the Committee on the Public Lands.

By Mr. SULZER: Resolutions of a mass meeting of citizens of Coopertown, Wis., in favor of intervention in the interest of peace between Great Britain and the Orange Free State—to the Committee on Foreign Affairs.

By Mr. WACHTER: Petition of 126 druggists of Baltimore, Md., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. WARNER: Petitions of Methodist Episcopal churches of St. Joseph and Mayview, Ill., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. JAMES R. WILLIAMS: Paper to accompany House bill granting an increase of pension to Thomas Summers—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, April 6, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, and having read the following entry:

Mr. JONES of Arkansas presented the following credentials of Joseph C. S. Blackburn, being a transcript from the journals of the proceedings of the legislature of the State of Kentucky in joint assembly, showing the election of Mr. Blackburn as a Senator from that State for the term of six years, commencing March 4, 1901—

Mr. DEBOE. Mr. President, I was not aware of the fact yesterday morning when the Senator from Arkansas presented the credentials of Mr. Blackburn. I desire to know if they are now the subject of a reference. If so, I desire to move that they be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. After the reading of the Journal is completed and it stands approved, the Chair is of opinion that a motion touching the credentials would be in order.

Mr. PENROSE. I ask unanimous consent that the further reading of the Journal be dispensed with.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. JONES of Arkansas. I prefer that the reading of the record of the proceeding in relation to the credentials shall be completed.

The PRESIDENT pro tempore. Objection being made, the Secretary will proceed with the reading of the Journal.

The Secretary resumed the reading of the Journal, and was interrupted by

Mr. JONES of Arkansas. I have now no objection to the request of the Senator from Pennsylvania that the reading may be dispensed with.

Mr. PENROSE. I renew my request.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none, and it is so ordered. Without objection, the Journal stands approved.

SENATOR FROM KENTUCKY.

Mr. DEBOE. I now renew the motion that those papers be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. The Senator from Kentucky moves that the papers filed in relation to the election of a Senator from the State of Kentucky be referred to the Committee on Privileges and Elections.

Mr. STEWART. I hope that motion will not be pressed this morning. I object to it now, if I have a right to object.

The PRESIDENT pro tempore. A single objection would not lie against the motion.

Mr. JONES of Arkansas. I presume the Senator from Kentucky would have no objection to allow the motion to lie over on the request of any Senator. I suppose he will not object to that course.

Mr. DEBOE. Let it go over, then, until to-morrow morning.

The PRESIDENT pro tempore. Does the Senator from Kentucky withdraw his motion?

Mr. DEBOE. I withdraw the motion for the present.

The PRESIDENT pro tempore. The motion is withdrawn.

FINDINGS OF COURT OF INQUIRY.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 30th ultimo, the original copy of the minutes, proceedings, and findings of the court of inquiry pursuant to the President's instructions of February 20, 1899, together with the final report of said court of inquiry and the action taken thereon. The accompanying papers are very voluminous. The communication will be printed, and, with the accompanying papers, referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. CURTIS, and Mr. STEPHENS of Texas, managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 10449) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (H. R. 205) granting an increase of pension to George C. Snyder;

A bill (H. R. 240) granting an increase of pension to George W. Wakefield;

A bill (H. R. 434) granting an increase of pension to Jesse Smith;

A bill (H. R. 457) granting a pension to Clara L. Harriman;

A bill (H. R. 493) granting a pension to Fanny M. Hays;

A bill (H. R. 1458) granting an increase of pension to John E. Whinnery;

A bill (H. R. 1507) granting an increase of pension to William H. La Count;

A bill (H. R. 1754) granting a pension to Helen M. Hull;

A bill (H. R. 1800) granting a pension to Lutheria H. Maynard;

A bill (H. R. 1890) to increase the pension of John Houk;

A bill (H. R. 2203) granting an increase of pension to John M. Garrett;

A bill (H. R. 2397) granting a pension to Eliza S. Redfield;

A bill (H. R. 2681) granting an increase of pension to Calista F. Hall;

A bill (H. R. 2809) granting an increase of pension to Moses F. Woods;

A bill (H. R. 2865) granting an increase of pension to Louis H. Gein;

A bill (H. R. 2999) granting an increase of pension to George M. Brown;

A bill (H. R. 3021) granting a pension to Eliza H. Getchel;

A bill (H. R. 3085) granting an increase of pension to William Sheppard;

A bill (H. R. 3167) granting an increase of pension to Thomas H. Cook;

A bill (H. R. 3268) granting an increase of pension to James W. Kessler;

A bill (H. R. 3635) granting an increase of pension to Timothy B. Eastman;

A bill (H. R. 3640) granting a pension to Mary Pollock;

A bill (H. R. 3694) granting an increase of pension to James Bottoms;

A bill (H. R. 3775) granting an increase of pension to Robert Boston;

A bill (H. R. 3863) granting an increase of pension to Alfred Dyer;

A bill (H. R. 4047) granting an increase of pension to James S. Jordan;
 A bill (H. R. 4655) granting a pension to Elizabeth C. Rice;
 A bill (H. R. 4681) granting an increase of pension to Elizabeth Keiff;
 A bill (H. R. 4828) granting a pension to Susie E. Johnson;
 A bill (H. R. 5110) granting an increase of pension to Edward T. Kennedy;
 A bill (H. R. 5169) granting an increase of pension to Charles Weed;
 A bill (H. R. 5209) granting an increase of pension to Samuel A. Greeley;
 A bill (H. R. 5211) granting a pension to Lizzie M. Dixon;
 A bill (H. R. 5346) granting a pension to Elizabeth B. Norris;
 A bill (H. R. 5503) granting an increase of pension to Samuel Hanson;
 A bill (H. R. 5882) granting an increase of pension to John B. Fairchilds;
 A bill (H. R. 6161) granting an increase of pension to John Landegan;
 A bill (H. R. 6284) granting an increase of pension to James Crawley;
 A bill (H. R. 6304) granting an increase of pension to James J. Lyons;
 A bill (H. R. 6885) granting an increase of pension to Horace B. Durant;
 A bill (H. R. 6952) granting a pension to Carrie P. Dale;
 A bill (H. R. 7322) granting an increase of pension to Frederick E. Vaner;
 A bill (H. R. 7445) granting a pension to Emma B. Reed;
 A bill (H. R. 7488) granting a pension to John C. Ray;
 A bill (H. R. 7594) granting a pension to Amelia Taylor;
 A bill (H. R. 7939) to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;
 A bill (H. R. 8120) granting an increase of pension to David L. Wentworth;
 A bill (H. R. 8395) granting an increase of pension to Henry Johns;
 A bill (H. R. 8610) granting an increase of pension to Abner S. Crawford; and
 A joint resolution (H. J. Res. 216) for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Bingham Grange, No. 237, Patrons of Husbandry, of Bingham, Me., and a petition of the Woman's Christian Temperance Union of Bartley, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

He also presented a memorial of Our Animal Protective League, of New York City, remonstrating against the adoption of certain amendments relative to the transportation of live cattle from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented the petition of J. W. Richmond, of Geneseo, Ill., praying for the enactment of legislation to provide rules and regulations governing the importation of trees, plants, shrubs, vines, cuttings, etc., into the United States; which was referred to the Committee on Agriculture and Forestry.

Mr. PENROSE presented a petition of sundry citizens of Adams County, Pa., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the congregation of East Liberty Church, of East End, Pittsburg, Pa., and a petition of sundry citizens of Carlisle, Pa., praying for the enactment of legislation to restrict American traders in the New Hebrides Islands from selling firearms and intoxicating liquors to the natives; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the continuance of the appropriation for the Hydrographic Office of the Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of the legislative committee of the Pennsylvania State Grange, Patrons of Husbandry, praying for the enactment of legislation making oleomargarine and kindred imitation products subject entirely to the laws of the State, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Lancaster, Pa., remonstrating against the enactment of legislation extending the time for confinement of live stock in their transportation from one State to another; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the legislative committee of the Pennsylvania State Grange, remonstrating against the passage of the so-called ship-subsidy bill unless a corresponding bounty be provided for on the exports of the staples of agriculture; which was ordered to lie on the table.

He also presented petitions of the congregations of the First Presbyterian Church, the Methodist Episcopal Church, the First Baptist Church, and the First United Presbyterian Church, all of Oakmont; of the Methodist Episcopal Church and the Second United Presbyterian Church, of Verona; of the congregations of sundry churches of East Smithfield, and of the Young People's Society of Christian Endeavor of the Third United Presbyterian Church of Pittsburg, all in the State of Pennsylvania, praying for the enactment of legislation prohibiting the importation, manufacture, and sale of intoxicating liquors, opium, etc., in Hawaii; which were ordered to lie on the table.

He also presented a memorial of the Federation of Trade Unions of York, Pa., remonstrating against the passage of Senate bill No. 3009, regulating electric wiring in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Coopers' International Union, No. 101, of Allegheny, Pa., remonstrating against the enactment of legislation abolishing the using of revenue stamps for one-eighth and one-sixth kegs containing brewed or malt liquors; which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Union of Glen Campbell, the Woman's Christian Temperance Union of Smethport, the Epworth League of Smethport, of the pastors of sundry churches of Smethport, and of the congregation of the Central Presbyterian Church of New Castle, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. KYLE presented a petition of the Free Methodist Church of Wessington Springs, S. Dak., praying to place in the new code of laws for Hawaii a provision that the importation, manufacture, and sale of intoxicating liquors, the importation and sale of opium, and that gaming be prohibited; which was ordered to lie on the table.

Mr. BARD presented a memorial of the Woman's Christian Temperance Union of Los Angeles, Cal., and a memorial of the Woman's Christian Temperance Union of Linden, Cal., remonstrating against the sale of intoxicating liquors in Army canteens; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Whittier, Cal., and a petition of the congregation of the Christian Church of Whittier, Cal., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors in Hawaii; which were ordered to lie on the table.

Mr. TALIAFERRO presented the petition of Rev. J. E. Oates, Fannie L. Benson, and sundry other citizens, on behalf of the Woman Suffrage Association of Florida, praying for the adoption of a sixteenth amendment to the Constitution, prohibiting the disfranchisement of United States citizens on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. DANIEL presented the petition of Addison M. Davies, of New York City, relative to his displacement as an inspector of customs, and praying for such action as will secure him the payment continuously of his salary as such officer; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Wright's Chapel, Caroline County, Va., and a petition of the Woman's Christian Temperance Union of Concord, Va., praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

Mr. SEWELL presented a petition of the Christian Endeavor Society of the Second Presbyterian Church of Rahway, N. J., and a petition of the Christian Endeavor Society of Shirley, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in all Government buildings and premises; which were referred to the Committee on Military Affairs.

CIVIL GOVERNMENT FOR ALASKA.

Mr. STEWART. I present a memorial to the Senate of the United States in the matter of a civil government bill for Alaska, being a brief on behalf of Charles D. Lane and other American citizens, owners of mining claims in Alaska. I should like to have an order to print it, so that we can all have it. It is short.

The PRESIDENT pro tempore. Printed in the RECORD or as a document?

Mr. STEWART. Let it lie on the table.

The PRESIDENT pro tempore. Does the Senator wish to have it printed in the RECORD or as a document?

Mr. STEWART. Oh, as a document; not in the RECORD. The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

Mr. HANSBROUGH subsequently said: Mr. President, this morning the Senator from Nevada [Mr. STEWART] secured unanimous consent of the Senate for the printing of a document—a memorial to the Senate of the United States in the matter of a civil government for Alaska. I desire to present a document, and ask unanimous consent that it may be printed in connection with the memorial presented by the Senator from Nevada. This document is a statement of the president of the Law and Order League at Council City, Alaska. It is a copy of a memorial addressed to the President of the United States, and contains some very interesting facts concerning affairs in that Territory. I ask that it be printed.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the paper which he sends to the desk may be printed with the memorial which was ordered printed at the request of the Senator from Nevada [Mr. STEWART]. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. KYLE. I am directed by the Committee on Indian Affairs to present a paper as a part of Senate Report No. 693, on the bill (S. 161) to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians, in the State of North Dakota, and to make appropriation for carrying the same into effect. It is an argument by John B. Bottineau, and is to be printed as a part of and attached to the report of the committee already printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEY, from the Committee on the District of Columbia, to whom was referred the bill (S. 2393) for the relief of Joseph S. Boss, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the bill (S. 3415) to regulate the collection and disbursement of moneys arising from leases made by the Seneca Nation of New York Indians, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 2493) authorizing and directing the Secretary of the Interior to issue patents for land in certain cases, reported it without amendment, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 394) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania military organizations, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. SEWELL, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 881) for the relief of Henry Halteman; and

A bill (S. 3328) to authorize the President to appoint and retire Richard Henry Savage with the rank and grade of major.

Mr. ALLISON. I report back from the Committee on Appropriations with amendments the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes.

I desire at this time to give notice that at the earliest practicable moment I wish to call up the bill for consideration. I present with the bill a written report, which I ask may be printed.

The PRESIDENT pro tempore. Under the rule the report will be printed, and the bill will be placed on the Calendar.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 943) to provide for the erection of a public building in the city of Great Falls, Mont., reported it with an amendment, and submitted a report thereon.

NAMING OF A PRESIDING OFFICER.

Mr. SPOONER. I am instructed by the Committee on Rules to report an amendment to Rule I, and I ask unanimous consent that it be acted upon at this time.

The PRESIDENT pro tempore. The proposed amendment will be read to the Senate for its information.

The Secretary read as follows:

Reported by Mr. SPOONER, from the Committee on Rules, to the Standing Rules of the Senate.

RULE I.

ART. 4. In event of the death of the Vice-President the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the Chair during his absence; and the Senator so named shall have the right to name in open session, or in writing if absent, a Senator to perform

the duties of the Chair, but such substitution shall not extend beyond adjournment, except by unanimous consent.

The PRESIDENT pro tempore. Is there objection to the present consideration of the proposed rule? The Chair hears none.

Mr. JONES of Arkansas. Wherein does the proposed rule differ from the present rule?

Mr. SPOONER. It differs in this respect, that under the present rule the President pro tempore has a right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair. That is a day appointment. The proposed rule provides that in the case of the death of the Vice-President the President pro tempore may in writing name a substitute presiding officer for so many days, and that Senator, if he is ill or absent, may make an appointment to hold one day, except by unanimous consent.

Mr. JONES of Arkansas. I think the change a wise one. This is the report of the committee?

Mr. SPOONER. Yes, sir.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

CORRECTIONS OF THE JOURNAL.

Mr. BACON. I am directed by the Committee on Rules to report back favorably the resolution relative to the correction of errors in the Journal. The resolution was introduced by the senior Senator from Massachusetts [Mr. HOAR], and I ask that it may lie on the table until his return, he now being absent.

The PRESIDENT pro tempore. The resolution will be read.

The resolution, submitted by Mr. HOAR February 16, 1900, was read, as follows:

Resolved, That when on any day the reading of the Journal or of any part thereof shall be dispensed with, it shall be in order for any Senator, when the Journal shall be read on any subsequent day, to call attention to any error therein, and to propose any correction thereto.

The PRESIDENT pro tempore. The resolution will be printed. The Senator from Georgia asks that it lie on the table?

Mr. BACON. Until the return of the senior Senator from Massachusetts.

The PRESIDENT pro tempore. The resolution will lie on the table.

BILLS INTRODUCED.

Mr. PRITCHARD introduced a bill (S. 4041) granting a pension to J. Lavenia Childs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 4042) for the relief of M. L. Cline; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4043) to correct the military record of William Pritchard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PETTUS introduced a bill (S. 4044) to provide for the appointment of dental surgeons for service in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MONEY introduced a bill (S. 4045) for the relief of the estate of James C. Mosby, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 4046) to correct the military record of John Frederick; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FOSTER (by request) introduced a bill (S. 4047) for the protection of the public health; which was read twice by its title, and referred to the Committee on Manufactures.

Mr. McMILLAN introduced a bill (S. 4048) to amend an act "Regulating the inspection of flour in the District of Columbia," approved December 21, 1898; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHOUP (by request) introduced a bill (S. 4049) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DANIEL (by request) introduced a bill (S. 4050) for the relief of Mrs. Elizabeth E. Goodwin; which was read twice by its title, and referred to the Committee on Claims.

Mr. ELKINS introduced a bill (S. 4051) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, W. Va., to Catlettsburg, Ky.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment fixing the rank and pay of the Adjutant-General of the Army, intended to be proposed by

him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also submitted an amendment fixing the rank and pay of the Commanding General of the Army, intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate \$70,000 for continuing work of constructing quarters and other improvements at Fort D. A. Russell, Wyo., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SEWELL submitted an amendment proposing to increase the salary of the chief clerk at Army Headquarters to \$1,800 per annum, intended to be proposed by him to the Army appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

THE FINANCIAL BILL.

On motion of Mr. COCKRELL, it was

Ordered, That there be printed for the use of the Senate 3,000 additional copies of the act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March 14, 1900, said copies to be delivered to the Senate document room.

READJUSTMENT OF POSTMASTERS' SALARIES IN PENNSYLVANIA.

Mr. PENROSE submitted the following resolution; which was referred to the Committee on Post-Offices and Post-Roads:

Resolved, That the Postmaster-General be, and he hereby is, directed to report upon a schedule to the Senate the readjusted salaries of all postmasters who served in the State of Pennsylvania between July 1, 1864, and July 1, 1874, whose names as claimants appear in the Court of Claims in the case entitled Robert Peyser and others vs. The United States, No. 18115, each such stated account to conform in all respects to the order of the Postmaster-General published by circular under date of June 9, 1883, and to the requirement of the act of March 3, 1883, as said requirement was published by the Postmaster-General in the newspapers of the country under date of February 17, 1884, and with such report transmit to the Senate a full copy of the text of the construction by the Postmaster-General of the act of March 3, 1883, embodied in the said circular and publication in the newspapers, and in circular form No. 1223, the text of each of which, under date of November 8, 1897, was transmitted by the Postmaster-General to the Attorney-General for use in the case of Jane Yarrington and others vs. The United States, No. 16345.

PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore. Morning business is closed, and the Chair lays before the Senate a resolution which will be read.

The Secretary read the resolution submitted yesterday by Mr. GALLINGER, as follows:

Resolved, That the Committee on the District of Columbia be instructed to inquire and report to the Senate whether any teacher in the public schools of the District has been censured or taken to task by a superior officer on account of the testimony given by such teacher during the recent investigation of the public schools.

Mr. GALLINGER. Mr. President, while I should be very glad to have the resolution passed this morning, I observe that the Senator from Illinois [Mr. MASON], who objected to it yesterday, is not in the Chamber, and I ask unanimous consent that it may go over until to-morrow, not losing its place.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that the resolution shall lie on the table without losing its place. Is there objection? The Chair hears none.

SENATOR FROM PENNSYLVANIA.

Mr. NELSON. If the morning business is closed—

The PRESIDENT pro tempore. The morning business is closed. The Chair will lay before the Senate a resolution and will then recognize the Senator from Minnesota. The resolution will be read.

The Secretary read the resolution reported from the Committee on Privileges and Elections January 23, 1900, as follows:

Resolved, That the Hon Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. THURSTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator rise to morning business?

Mr. THURSTON. I desire to make a statement.

The PRESIDENT pro tempore. The Senator from Minnesota was recognized to make a request.

MISSISSIPPI RIVER DAM.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (H. R. 9713) permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minn., across the Mississippi River.

Mr. THURSTON. I shall not object to the unanimous consent as to this bill, nor will I object to the Senator from Mississippi [Mr. SULLIVAN] proceeding with an argument in the Quay case, but I shall ask the Senate as soon as that is concluded to take up the Indian appropriation bill.

The PRESIDENT pro tempore. The bill indicated by the Senator from Minnesota will be read.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. LODGE. Mr. President—

Mr. THURSTON. I will yield in a moment to the Senator from Massachusetts, but I now move that the Senate proceed to the consideration of House bill 7433, the Indian appropriation bill.

Mr. PENROSE. I suggest to the Senator to ask unanimous consent for the consideration of the measure. There will be no opposition to that course.

Mr. THURSTON. Very well.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes. Is there objection? The Chair hears none.

Mr. THURSTON. Now I yield to the Senator from Massachusetts.

CAPE COD LIGHT, MASSACHUSETTS.

Mr. LODGE. I ask unanimous consent for the present consideration of a bill of only three lines, and it is very important to commerce. It is the bill (S. 2883) to change the characteristic of Cape Cod light, Massachusetts.

There being no objection, the bill was considered as in Committee of the Whole. It directs the Secretary of the Treasury to change the characteristic of Cape Cod light, situated at North Truro, Mass., from a fixed white to a flashing white light, at a cost not exceeding \$15,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERSONAL EXPLANATION.

Mr. PETTIGREW. Yesterday morning, Mr. President, I referred in some remarks which I made to an Associated Press dispatch, as I supposed, but I am credibly informed that the dispatch was not an Associated Press dispatch, which purported to come from Cuba, and therefore I make this correction. Neither did I in my remarks intend to cast any reflection upon the representatives of the Associated Press who report the proceedings of the Senate. I believe they are honorable men and undertake to and do ascertain the truth and report correctly.

However, the remainder of my remarks with regard to the Associated Press I reiterate, for I believe they are true; that is, that this association does employ irresponsible and untruthful men in many instances, where they make no effort to ascertain the truth of the statements which these people make; that this is prevalent in very many localities, and that it is a discredit to a very great extent to the news gathered by this great association. I believe also those representatives or reporters in many instances allow their opinions to be biased and their opinions to affect the news which they gather and give it a color and give it a tone which they think will satisfy their prejudices and the prejudices of the great newspapers that are in this combination, and it is a combination, and it is a combination largely to deceive the American people.

HOUSE BILL REFERRED.

The bill (H. R. 10449) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

SETTLERS ON NAVAJO INDIAN RESERVATION.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 4001) authorizing the adjustment of rights of settlers on the Navajo Indian Reservation, Territory of Arizona, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STEWART. I move that the Senate insist on its amendments and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. STEWART, Mr. SHOUP, and Mr. McLAURIN were appointed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 5th instant approved and signed the act (S. 739) for the relief of the estate of George W. Lawrence.

SIOUX CITY AND PACIFIC RAILWAY COMPANY.

Mr. THURSTON. I yield to the Senator from Iowa [Mr. GEAR] temporarily.

Mr. GEAR. I ask leave for the consideration of the bill (S. 1291) authorizing the settlement and adjustment with the Sioux City and Pacific Railway Company of its indebtedness to the United States.

The Secretary read the bill.

Mr. MORGAN. In the absence of the Senator from Kansas [Mr. HARRIS], I can not consent that the bill shall come up at this time.

The PRESIDENT pro tempore. Objection is made.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

Mr. THURSTON. I understand that the Senator from Mississippi [Mr. SULLIVAN] desires to speak to the Quay resolution this morning, and if he does I am willing to yield to him for that purpose.

Before yielding to the Senator, I ask unanimous consent that the formal reading of the bill be dispensed with, and that on the reading of the bill the committee amendments be first considered and acted upon.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be first acted upon. Is there objection? The Chair hears none, and it is so ordered.

SENATOR FROM PENNSYLVANIA.

The Senate resumed the consideration of the resolution reported from the Committee on Privileges and Elections, declaring that Hon. Matthew S. Quay is not entitled to a seat in the Senate from the State of Pennsylvania.

Mr. SULLIVAN. Mr. President, I desire to submit briefly my views on the present case. I have carefully read both the report of the majority and of the minority of the Committee on Privileges and Elections with respect to the seating of Senator Quay as a member of this body. I am absolutely clear in my mind as to the correct view—the one taken by the minority. The report of the majority rests almost entirely upon the precedents in such cases. The minority report criticizes these precedents and rests upon the broader ground of a liberal and natural construction of the Constitution.

It seems to me that it was never intended by the framers of the Constitution that a State should be without full representation in the Senate. That is the only safeguard which a small State has as against the power and influence of a great State with many Representatives in Congress. Rhode Island, scarcely larger than a county, under the Constitution, is entitled to two Senators. The Empire State of New York and the great State of Texas are entitled to no more. In the very nature of the thing I do not believe it was contemplated that a vacancy should continue in the Senate from any one of the States. It is a very narrow construction of the Constitution which holds that if a vacancy happens during a session of the legislature, and the vacancy is not filled by the legislature, that the State must go unrepresented.

Suppose that at the very last hour of a session of the legislature a member of the Senate should die and the fact of such death was not known until after adjournment. Would it not be regarded as an extraordinary construction to hold that, because the death occurred in the last moments of the session of the legislature, the governor could not appoint and the vacancy must continue until the next session of the legislature? It may be said that this is an extreme way to put it. Still, if the argument of those adopting the narrow construction is true, then the governor would not have the power to appoint, and a vacancy would follow. There might be pending in the Senate of the United States questions of the most vital importance to that particular State where the vacancy had occurred, and yet that State would be unable to protect itself because of the narrow construction contended for.

I believe that whenever and however a vacancy in the Senate may occur, if the legislature of the State fails to elect, on adjournment of the legislature the governor could and should appoint (a vacancy then happens to exist during the vacation of the legislature), such appointment to hold until the meeting of the next legislature, and thus the rights and interests of the State would be protected. It has been said that the reason why the framers of the Constitution intended that the legislature only should fill vacancies, except where the vacancy happened between sessions of the legislature, is that the legislature more directly and closely represents the wishes of the people. I do not agree to this. The

governor is elected by the people, just as are the members of the legislature, and generally both are elected at the same time and by practically the same vote. Both should be equally in touch with the sentiments of the people.

"Precedent," as was well said a few days since by the Senator from Nebraska, "is usually resorted to when there is no logic to sustain the contention of the person referring to the precedent. When neither reason nor logic sustain a position, one falls back upon precedent." While as a lawyer I understand the usual force and effect given to precedents, yet we even have cases where the same Supreme Court, upon similar states of fact, reverses itself—sets aside a precedent established for years. If the precedent is wrong, the sooner it is departed from the better. It should never have a controlling effect, but might be persuasive. I am of opinion that the proper construction of the Constitution is that which gives the governor the right to keep each State's quota of Senators filled when the legislature fails to elect. It has been said that if the legislature has had the opportunity the governor can not appoint. This is a curious position to take. If one of the two agencies of the people fails to discharge its duty, that that shall have the effect of completely destroying the interests of the people, which would be subverted by the exercise of the appointing power by the other agency.

Believing, as I do, that this broader construction of the Constitution is the proper one, I shall vote against the majority resolution and in favor of seating Senator Quay.

THE LA ABRA AWARDS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table and be printed.

To the Senate and House of Representatives:

By the act of Congress approved December 23, 1892, a copy of which is annexed, the Attorney-General of the United States "is authorized and directed to bring suit in the Court of Claims against La Abra Silver Mining Company, its successors and assigns, and all persons making any claim to the award or any part thereof in this act mentioned, to determine whether the award made by the United States and Mexican Mixed Commission in respect to the claim of the said La Abra Silver Mining Company was obtained, as to the whole sum included therein or as to any part thereof, by fraud effectuated by means of false swearing or other false and fraudulent practices on the part of the said La Abra Silver Mining Company, or its agents, attorneys, or assigns; and, in case it be so determined, to bar and foreclose all claim in law or equity on the part of said La Abra Silver Mining Company, its legal representatives or assigns, to the money, or any such part thereof, received from the Republic of Mexico for or on account of such award."

In pursuance of the provisions and powers of this act, the Attorney-General did, on behalf of the United States, bring suit in the Court of Claims against La Abra Silver Mining Company et al; and on June 24, 1897, that court decided that the award made by the United States and Mexican Mixed Commission in favor of said La Abra Silver Mining Company was obtained by fraud and a decree was rendered barring and foreclosing all claim on the part of said company, its agents, attorneys, or assigns, to the money received from the Republic of Mexico on account of said award. A copy of this decision is herewith transmitted.

The Supreme Court of the United States, on appeal, having affirmed in full the decision of the Court of Claims, the Secretary of State, in accordance with section 4 of the act referred to and the judicial proceedings above recited, and acting under my direction, on March 23, 1900, turned over to the ambassador of the Republic of Mexico at Washington the balance, amounting to \$433,030.08, remaining under the control of the Department of State of the sum paid by the Government of Mexico on account of La Abra award.

I transmit a copy of the Secretary of State's note of transmittal, as well as a translation of the ambassador's cordial note of acknowledgment.

It affords me pleasure to communicate to Congress the accomplishment of this act of equity and good faith toward a friendly Republic.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,

Washington, April 6, 1900.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment to the Committee on Indian Affairs was, under the head of "Current and contingent expenses," on page 2, line 2, to reduce the number of agents of Indian affairs from 51 to 50.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

At the Mission Tule River Agency, Cal., \$1,600.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

At the Nez Perces Agency, Idaho, \$1,600.

The amendment was agreed to.

The next amendment was, on page 5, after line 4, to strike out:

At the Quapaw Agency, Ind. T., \$1,400.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to strike out:

At the Sac and Fox Agency, Iowa, \$1,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to strike out: At the Sisseton Agency, S. Dak., \$1,500.

The amendment was agreed to.

The next amendment was, on page 6, line 16, to reduce the total appropriation for pay of 50 agents of Indian affairs at the different agencies from \$79,100 to \$78,600.

Mr. PETTIGREW. Mr. President, are the committee amendments being disposed of as we go along with the reading of the bill?

The PRESIDENT pro tempore. They are.

Mr. PETTIGREW. What was done with the amendment on page 5, lines 20 and 21, which I see are proposed to be stricken out? They read:

At the Sisseton Agency, S. Dak., \$1,500.

Is that amendment simply passed over, or has it been disposed of?

The PRESIDENT pro tempore. It has been agreed to; but it will be regarded as an open question if the Senator so desires.

Mr. PETTIGREW. I think I should like to have that amendment go over for the present undisposed of, simply leaving it an open question; for I think I shall not be able to agree to that amendment proposed by the Committee on Indian Affairs. There is no good reason, so far as I know, why the Sisseton Agency should be abolished; at least, if there is, I want the committee to give the reason for doing it.

Mr. THURSTON. Mr. President, I am entirely willing that the amendment shall be passed over for the present, but the reason for dropping that agency was on the statement of the Commissioner of Indian Affairs that it was no longer necessary to have an agency at that point for those Indians.

The PRESIDENT pro tempore. Does the Chair understand that the amendment is to be passed over for the present?

Mr. THURSTON. I am entirely willing, as we go along, to pass over any of the amendments which will lead to discussion, so that they may be considered after the reading of the bill shall have been concluded.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] asks that the amendment of the committee striking out lines 20 and 21, on page 5, may be passed over for the present.

Mr. JONES of Arkansas. What amendment is that?

The PRESIDENT pro tempore. The amendment striking out the appropriation for an agent for the Sisseton Indians.

Mr. PETTIGREW. I am perfectly willing to have the amendment disposed of now if the committee desire to do so. I simply want to know the reasons why this agency should be dropped out. I was a member of the subcommittee who had charge of the bill, but I was sick when this recommendation was made. I was present when the bill was afterwards called up in committee, but I am not satisfied with the reasons given for the proposed change.

Mr. JONES of Arkansas. The reason given by the Commissioner of Indian Affairs for striking out the provisions for agents at the Quapaw, the Sac and Fox, and the Sisseton agencies was that they were not needed; that the agents had no service to perform except to pay out certain money to be distributed under the treaties. That could be just as well done by any other officer of the Government as to keep agents at those agencies for that one purpose.

If one of these amendments is passed over, I think they all ought to be passed over, that they all ought to be treated alike, for the committee recommended the striking of them all out for the same reason.

Mr. PETTIGREW. I wish to say, in reply, that at the Sisseton Agency there are about 1,700 Indians, I think, that have lands in severalty, but we have laws which restrict the leasing of their lands; and those laws provide that if any lease is made, it must be approved by the agent. Who is going to approve a lease or to take charge of the leasing of six or eight hundred thousand acres of land if the agency is abolished? That is the question I want answered. The lands can not be leased without the leases being approved by the agent, who is supposed to be there to protect the Indians, as we have laws which prevent the Indians from conducting their own business. Unless that question is answered I can not see why that agency should be abolished.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. JONES of Arkansas. I thought the proposition was that the amendment should go over for the present. I think all three of these amendments ought to be treated alike. One ought not to be disposed of unless the others are; and if further information can be had before the Senate takes action on the amendments, it seems to me that would be the proper course.

Mr. PLATT of Connecticut. Let those three amendments be passed over for the present.

The PRESIDENT pro tempore. The three amendments, relating to the Quapaw Agency, the Sac and Fox Agency, and the Sisseton

Agency, on page 5, without objection, will be passed over. There is another amendment, changing the footing—

Mr. PLATT of Connecticut. Where?

The PRESIDENT pro tempore. A change of the general result of the appropriations for agencies in line 16, on page 6.

Mr. PLATT of Connecticut. That will be dependent on the adoption of the amendments on page 5.

Mr. THURSTON. Mr. President, I ask that, after the completion of the bill, the Secretary may be authorized to correct the totals wherever it may be necessary.

The PRESIDENT pro tempore. Without objection, that order will be made.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 7, line 12, after the word "works," to strike out—

and one of whom may be located by the Secretary of the Interior in the Indian Territory, and under his direction and authority may perform any duties required by law of said Secretary in said Territory;

So as to make the clause read:

For pay of eight Indian inspectors, one of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, at \$2,500 per annum each, \$20,000.

The amendment was agreed to.

The next amendment was, on page 8, line 2, after the word "dollars," to insert the following proviso:

Provided, That the accounting officers of the Treasury are hereby authorized to allow per diem pay to the inspector who was located in the Indian Territory under orders and directions of the Secretary of the Interior during the fiscal years 1899 and 1900.

The amendment was agreed to.

The next amendment was, on page 10, line 21, after the word "dollars," to insert:

Of which sum an amount not to exceed \$300 may be paid for the rent of an office for said commission; and the sums heretofore paid from annual appropriations for the expenses of the said commission for office rent, authorized by vote of the commission, are hereby legalized, and these payments, together with the payments for rent of an office in the current fiscal year, shall be allowed by the accounting officer of the Treasury Department;

So as to make the clause read:

For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the act of April 10, 1889, \$1,000, of which sum an amount not to exceed \$300 may be paid for the rent of an office for said commission; and the sums heretofore paid from annual appropriations for the expenses of the said commission for office rent, authorized by vote of the commission, are hereby legalized, and these payments, together with the payments for rent of an office in the current fiscal year, shall be allowed by the accounting officer of the Treasury Department.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to insert:

The accounting officers of the Treasury Department are hereby authorized and directed to allow, in the accounts of Charles D. Rakestraw, supervisor of Indian schools, for the fourth quarter of the fiscal year 1897, and for the first, second, and third quarters of the fiscal year 1898, the sum of \$108 expended by him for sleeping-car fares while traveling under orders.

The amendment was agreed to.

The next amendment was, under the head of "Fulfilling treaty stipulations with and support of Indian tribes," on page 11, line 23, after the word "reservation," to strike out "during the pleasure of the President;" on page 12, line 1, after the word "sixty-seven," to insert "if directed by the President;" and in the same line, after the word "dollars," to strike out "in all, \$5,000;" so as to make the clause read:

For support of a school or schools upon said reservation, in accordance with third article of treaty of March 19, 1867, if directed by the President, \$4,000.

The amendment was agreed to.

The next amendment was, under the head of "Choctaws," on page 13, after line 11, to insert:

To carry out the provisions of section 29 of the act of Congress approved June 28, 1898, under the title "orphan lands," \$2,696.40, the said sum to be placed to the credit of the Choctaw orphan fund in the Treasury of the United States, and to draw interest at 5 per cent per annum, this amount being the value of 2,157.12 acres of land, being the unsold Choctaw orphan lands in the State of Mississippi, which lands, under the provisions of said section 29, were taken by the United States at \$1.25 per acre.

The amendment was agreed to.

The next amendment was, on page 15, after line 7, to strike out:

COLUMBIAS AND COLVILLES.

For employees, as provided in agreement of July 7, 1883, ratified by the act of July 4, 1884, \$6,000.

Mr. TELLER. I want to ask the chairman of the committee why that amendment is proposed?

Mr. THURSTON. That amendment was proposed by the committee on the report of the Commissioner of Indian Affairs that that appropriation is no longer necessary; that any expenditures of that character which are necessary he can take care of out of funds otherwise appropriated in the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee, which has been stated.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Indian Affairs was, under the head of "Crows," on page 17, after line 2, to strike out:

For pay of physician, per tenth article of same treaty, \$1,200.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to strike out:

For pay of carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of same treaty, \$3,300.

The amendment was agreed to.

The next amendment was, on page 17, after line 7, to strike out:

For pay of second blacksmith, and iron and steel, as per eighth article of same treaty, \$1,500.

The amendment was agreed to.

The next amendment was, on page 17, line 12, before the word "furnish," to strike out "This amount, or so much thereof as may be necessary, to" and insert "To;" in line 14, before the word "thousand," to strike out "thirty" and insert "fifteen;" in the same line, after the word "dollars," to insert "but no part of this fund shall be available except by the direct order of the Secretary of the Interior;" and in line 16, before the word "thousand," to strike out "sixty-six" and insert "forty-five;" so as to make the clause read:

To furnish such articles of food as from time to time the condition and necessities of the Indians may require, \$15,000; but no part of this fund shall be available except by the direct order of the Secretary of the Interior; in all, \$45,000.

The amendment was agreed to.

The reading of the bill was continued to the end of line 24, on page 18.

Mr. THURSTON. I am directed by the committee to move an amendment to come in at the end of line 24, on page 18. I send the amendment to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "dollars," at the end of line 24, on page 18, it is proposed to insert:

And to enable the Secretary of the Interior to anticipate five installments, third series, same agreement, \$12,000; in all, \$15,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 19, after line 18, to strike out:

NEZ PERCES.

For salaries of two matrons to take charge of the boarding schools, two assistant teachers, one farmer, one carpenter, and two millers, per fifth article of treaty of June 9, 1863, \$6,000.

The amendment was agreed to.

The next amendment was, under the head of "Northern Cheyennes and Arapahoes," on page 20, line 7, before the word "treaty," to strike out "same" and insert "the," and after the word "treaty," to insert "of May 10, 1868;" so as to make the clause read:

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May 10, 1868, \$9,000; in all, \$99,000.

The amendment was agreed to.

The next amendment was, under the head of "Pottawatomies," on page 23, line 1, after the word "cents," to strike out the following proviso:

Provided, That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands can not personally, and with benefit to himself, occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years, for farming or grazing purposes.

Mr. TELLER. I should like to ask the chairman of the committee why that is proposed to be stricken out?

Mr. THURSTON. The committee very carefully considered the matter of leasing the allotted lands of the Indians. Our information leads us to believe that the effect upon the Indians of the leasing of their lands for agricultural purposes upon the whole has been bad. We feel that no extension of the right to lease or of the change of the terms for which leases may be made should be given. The law at the present time, in our judgment, authorizes leases as fully as we ought to permit.

Mr. PLATT of Connecticut. This is an extension of the term.

Mr. THURSTON. This is an extension of the term for which leases may be made.

Mr. TELLER. A provision like this has been in several appropriation bills, to my knowledge. I do not know whether exactly like this or not.

Mr. PLATT of Connecticut. Not for five years.

Mr. TELLER. Perhaps not for five years. I agree with the chairman and the committee that the general system of leasing Indian lands is bad, but this is a provision for those who have disabilities. I think if we would confine the leases to that class it would be all right. I do not wish to get into any controversy with the committee about it or to raise any particular objection. If the committee think this is the best thing to do, I will let it go, except to say that I believe myself in a few cases it is very impor-

tant that there should be an opportunity to lease the land; for instance, an old man, an infant, or some one disabled. This seems to be confined to that.

By reason of age, disability, or inability.

Now, that, of course, means the disability or inability of the party himself to work the land. If the Department should construe it to apply to a disposition not to work the land, that would be a different thing.

Mr. PLATT of Connecticut. I believe this provision which is stricken out is a reenactment of the present law, word for word, except that it extends the term of three years to five years. That was the only object of the provision.

Mr. TELLER. Oh.

Mr. PLATT of Connecticut. That is the way I understand it.

Mr. TELLER. I was under the impression that in the Indian bills we had had that provision. If that is all, I certainly do not object.

Mr. THURSTON. The existing law permits leasing for three years.

Mr. TELLER. Three years?

Mr. PLATT of Connecticut. Three years.

Mr. TELLER. I do not object to the amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 23, after line 8, to strike out:

QUAPAWS.

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, \$1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, \$500; in all, \$1,500: *Provided*, That the \$1,000 of this amount, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of the Interior, for the support and maintenance of three or more public schools on the Quapaw Reservation, at such place as may be provided by the Quapaw Nation: *And provided*, That the present industrial school on said reservation shall be consolidated with the Seneca Industrial School at Wyandotte, in the Quapaw Agency: *And provided*, That the building and furniture now used for school purposes at the present Industrial Quapaw School, except such as may be required for the consolidated school at Wyandotte, shall be turned over to the Quapaw Nation by the Secretary of the Interior for the use of schools on the Quapaw Reservation: *And provided*, That such of said buildings as may not be required for a public school, where they now stand, may be removed by said nation to suitable places on said reservation, and \$500 of the amount hereby appropriated shall be turned over to the Quapaw Nation to pay for the removal and repairing of said buildings.

Mr. COCKRELL. I ask the Senator in charge of the bill to permit these provisions in regard to the Quapaw Agency to be passed over for the present without action.

Mr. PLATT of Connecticut. There is no objection to that.

Mr. THURSTON. There is no objection.

The PRESIDING OFFICER. The provision will be passed over. The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 24, line 24, after the word "Indians," to insert "in Oklahoma;" so as to make the proviso read:

Provided further, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to said Sac and Fox Indians in Oklahoma the sum of \$50,000, to be immediately available, out of the amount of money now to the credit of said Indians in the United States Treasury.

The amendment was agreed to.

The next amendment was, under the head of "Sioux, Yankton Tribe," on page 30, line 16, before the words "Yankton Sioux," to strike out "two thousand;" so as to make the clause read:

For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," etc., \$35,000; in all, \$50,000.

The amendment was agreed to.

The next amendment was, under the head of "Alsea and Siletz Indians," on page 34, line 2, to insert the following proviso:

Provided, That such of said Indians as receive their pro rata share of said fund under this provision shall not hereafter participate in the payment of interest or principal on that portion of the fund that shall remain.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous supports," on page 37, line 3, before the word "support," to strike out "purchase of agricultural implements, and," and in line 5, before the word "thousand," to strike out "five" and insert "four;" so as to make the clause read:

For support and civilization of Joseph's band of Nez Perce Indians, \$4,000.

The amendment was agreed to.

The next amendment was, on page 37, line 23, after the word "seeds," to strike out "\$10,000" and insert "provisions, horses, horse feed, harness, and farm machinery, \$20,000;" so as to make the clause read:

For support and civilization of Sioux of Devils Lake, N. Dak., including pay of employees, and for the purchase of seeds, provisions, horses, feed, harness, and farm machinery, \$20,000.

Mr. THURSTON. I am directed by the committee to propose

an amendment to the amendment, to be inserted at the end of line 24, page 37.

The SECRETARY. After the word "dollars," in line 24, page 37, it is proposed to insert:

The same to be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "General incidental expenses of the Indian service," on page 38, line 22, to reduce the appropriation for general incidental expenses of the Indian service in Colorado, including traveling expenses of agents, from \$1,500 to \$1,000.

Mr. TELLER. I ask the Senator why they propose to strike out "five hundred" there? Had they any information from the Department in reference to it?

Mr. THURSTON. It was done on the recommendation of the Commissioner of Indian Affairs.

Mr. TELLER. It seems to me that \$1,500 is a very small sum when we consider that there are practically two agencies in Colorado, at some distance apart. There is an agency at Navajo Springs, but fully one-half of the Indians are 150 miles east of that by the methods of travel, and the agent must go back and forth between those two points. It seems to me that \$1,500 is not too large.

Mr. THURSTON. I will say that the committee did not go into the consideration of the facts upon which the Commissioner of Indian Affairs made his recommendations. We felt that he had those facts within his own knowledge and took his judgment upon it.

Mr. JONES of Arkansas. What is under consideration?

Mr. TELLER. The item on page 38, line 22.

Mr. THURSTON. My recollection now is that the Commissioner further stated to us that if there should be any deficiency in the appropriation of \$1,000 he could take care of it out of his general appropriation.

Mr. TELLER. I will let it go, then, on that statement, without objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 39, line 1, after the word "Territory," to insert "For two additional clerks at the Union Agency, \$2,000;" and in line 6, after the word "dollars," to insert "in all, \$15,280;" so as to make the clause read:

Indian Territory: For two additional clerks at the Union Agency, \$2,000; for general incidental expenses of the Indian service in the Indian Territory, including incidental expenses of the Indian inspector's office and for pay of employees, \$13,280; in all, \$15,280.

The amendment was agreed to.

Mr. JONES of Arkansas. I gave notice some days ago of my intention to offer an amendment, to follow line 7, on page 39, authorizing the payment of certain warrants by the Secretary of the Treasury, which I will read, unless the chairman of the committee desires that all individual amendments shall go over until the committee amendments are disposed of.

Mr. THURSTON. If it does not lead to any discussion I am entirely willing that the amendment shall be presented now.

Mr. JONES of Arkansas. I presume it will not. I will read the amendment. If there is any objection to it I will withdraw it and offer it after the committee amendments are disposed of. I propose to insert, after line 7, on page 39, the following:

The warrants issued by the principal chief of the Cherokee Nation under an act of the national council of said nation of December 16, 1899, making an appropriation for the compensation and expenses of the Cherokee delegates to Washington to formulate an agreement with the Commission to the Five Civilized Tribes, in behalf of the United States, shall be paid out of the funds of the nation the same as other warrants recognized by said nation.

The reason for this is that on the recommendation of the Secretary the President disapproved the act of the council of the Cherokee Nation providing for the expenditure. It was a mistake, as I understand it, on the part of the Secretary of the Interior. At any rate, the commissioners came here at the request of the Secretary of the Interior. They have been here for two or three weeks now, negotiating with the Dawes Commission, trying to make an agreement for the division of their lands in severalty, and this amendment is intended to authorize the payment of their vouchers issued to them by the chief of the Cherokee Nation.

Mr. THURSTON. If there is no objection from any other source, I am entirely willing to accept the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 39, line 10, after the word "agents," to insert "and pay of employees;" and in the same line, before the word "thousand," to strike out "two" and insert "eight;" so as to make the clause read:

Montana: For general incidental expenses of the Indian service in Montana, including traveling expenses of agents and pay of employees, \$8,500.

The amendment was agreed to.

The next amendment was, on page 40, line 16, before the word "thousand," to strike out "support and civilization of Indians at Uintah Valley and Ouray agencies, three" and insert "one;" so as to make the clause read:

Utah: For general incidental expenses of the Indian service in Utah, including traveling expenses of agents, \$1,000.

Mr. TELLER. I should like to inquire of the Senator in charge of the bill why that amendment is made; whether it is on the recommendation of the Department?

Mr. THURSTON. It is on the same basis that I stated with respect to the others. It is on the recommendation of the Commissioner, who has stated that the appropriation, in his judgment, is unnecessary, and that if any money is required he can take care of that matter out of his general appropriation.

Mr. TELLER. I wish to ask the Senator another question. I do not find, in the hasty manner in which I have examined this bill, any appropriation for the Indians at the Uintah Valley and Ouray agencies, in Utah. How are they to be taken care of? This is the only item on the subject I have been able to find in running over the bill hastily. I want to say that there are about twenty-six or twenty-eight hundred Indians there, and we are under treaty with them, and I suppose there must be, either in this bill or in the general fund, some provision for them.

Mr. THURSTON. There are, of course, numerous cases in the Indian service where there is no special appropriation made in this bill, and those cases are taken care of out of the general fund at the command of the Secretary of the Interior.

Mr. TELLER. I do not want these Indians left out entirely. They are Indians who went from Colorado over there some years ago, and some of them are very deserving Indians.

Mr. THURSTON. I am satisfied that the Commissioner has not overlooked these Indians or their care.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 40, line 21, to increase the appropriation for general incidental expenses of the Indian service in Washington, including traveling expenses of agents at seven agencies, etc., from \$12,000 to \$17,000.

The amendment was agreed to.

The next amendment was, on page 41, line 13, before the word "hundred," to strike out "two" and insert "six;" in the same line, before the word "thousand," to strike out "seventy-six" and insert "sixteen;" in the same line, after the word "dollars," to insert "to be immediately available;" in line 15, before the word "hundred," to strike out "three" and insert "six;" in line 16, before the word "thousand," to insert "and forty;" and in same line, after the word "dollars," to insert:

Provided further, That this appropriation may be used by said commission in the prosecution of all work to be done by or under its direction as required by statute—

So as to make the clause read:

MISCELLANEOUS.

For salaries of four commissioners, appointed under acts of Congress approved March 3, 1893, and March 2, 1895, to negotiate with the Five Civilized Tribes in the Indian Territory, \$20,000: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, and \$3 per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, \$616,000, to be immediately available; for contingent expenses of the commission, \$4,000; in all, \$640,000: *Provided further*, That this appropriation may be used by said commission in the prosecution of all work to be done by or under its direction as required by statute.

The amendment was agreed to.

The next amendment was, on page 41, line 21, after the word "law," to insert:

But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final; but this shall not in any manner affect the provisions of the act of Congress of June 23, 1898, respecting the Mississippi Choctaws—

So as to make the clause read:

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, etc.

Mr. JONES of Arkansas. I remind the chairman of the committee that there is an amendment to be offered at this point.

Mr. THURSTON. I was about to offer it. I am directed by the committee to offer an amendment to the amendment.

The SECRETARY. After the word "final," line 2, page 42, it is proposed to insert:

When approved by the Secretary of the Interior.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. JONES of Arkansas. There is another amendment of which I have given no notice, and I do not know that it has been considered by the committee. I do not believe it has been, and I

suppose, perhaps, it would not be proper to offer it here. It relates to the Mississippi Choctaws. I will offer it later.

Mr. STEWART. Offer it.

Mr. JONES of Arkansas. By general consent I will read it, and if there is no objection it can be considered now, and if there is, it can go over until after the committee amendments are disposed of. I propose to add a proviso, as follows:

Provided, That any Mississippi Choctaw duly identified and enrolled as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement they shall be enrolled by the said United States commission and by the Secretary of the Interior as Choctaws entitled to allotment.

I think the law has always been that any of these Choctaws returning to the Choctaw country or going across to the Choctaw country shall be recognized as citizens and have their rights. The point made by the nation against the Mississippi Choctaws being considered as members of the tribe is the fact that they remain in Mississippi. This simply holds this right of theirs open until such time as the matter shall be finally disposed of. I suppose there will be no objection to this amendment, but if there is I will let it be passed over for the present.

Mr. STEWART. I do not think there is any objection.

Mr. PLATT of Connecticut. I think it had better be passed over for the present.

Mr. JONES of Arkansas. Let it be passed over.

Mr. PLATT of Connecticut. I would have no objection to allowing any Mississippi Choctaw who should go to the Indian country of his own accord to register.

Mr. JONES of Arkansas. That is what this amendment proposes.

Mr. PLATT of Connecticut. But I want to examine the amendment very carefully, in order that it may not be the foundation of a scheme for a syndicate to bring over Mississippi Choctaws and have them register, and so get the land, and the syndicate be reimbursed from the land which might thus be obtained by the Mississippi Choctaws who come over. I should want to examine it and see that it is not possible that that thing can be done under it.

Mr. JONES of Arkansas. I shall be very glad to have the Senator examine the amendment as proposed by me, which seems to be very carefully guarded; and I should like to have it printed, if there is an opportunity to have it done. I will send the amendment to the desk, with the request that it be printed and lie on the table.

The PRESIDING OFFICER. That order will be made.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 42, line 6, to strike out "town-site commissioners, Indian Territory" and insert:

To pay all expenses incident to the survey, platting, and appraisal of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections 15 and 20 of an act entitled "An act for the protection of the people of the Indian Territory, and for other purposes," approved June 28, 1898, for the year ending June 30, 1901, \$67,000, or so much as may be necessary.

Mr. THURSTON. At this point in the amendment, as directed by the committee, I offer an amendment to the amendment.

The PRESIDING OFFICER. The Chair would suggest that the amendment first be read through.

Mr. THURSTON. I was about to suggest that the Senator from Arkansas has an amendment he desires to offer, which, I think, applies only to the proviso of this amendment; and if that is the case, I should like to complete this amendment down to the proviso and leave the remainder for further action.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the words "eighteen hundred and ninety-eight," line 13, it is proposed to strike out:

For the year ending June 30, 1901—

And insert:

For the balance of the current year and for the year ending June 30, 1901, the same to be immediately available.

The PRESIDING OFFICER. Without objection, the amendment to the amendment is agreed to.

The amendment as amended was agreed to.

Mr. THURSTON. I ask that that part of the committee amendment contained in the proviso be passed over for the present.

The PRESIDING OFFICER. That order will be made.

The reading of the bill was resumed, and the Secretary read lines 9 and 10, on page 43.

Mr. THURSTON. I am also directed by the committee to propose an amendment on page 43.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 10, page 43, insert:

For temporary support of the Pima Indians, Pima Agency, Ariz., \$30,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War; in all, \$31,500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Indian Affairs was, on page 43, line 11, before the word "portable," to strike out "two" and insert "one;" in the same line, after the word "steam," to strike out "sawmills" and insert "sawmill;" and in line 13, after the word "same," to strike out "three thousand" and insert "one thousand five hundred;" so as to make the clause read:

For operating one portable steam sawmill on the Nez Percé Indian Reservation, Idaho, and for necessary repairs to the same, \$1,500.

The amendment was agreed to.

The next amendment was, on page 43, after line 14, to strike out:

For pay of physician, New York Agency, \$900.

Mr. THURSTON. The item on page 43, line 15, which the committee has struck out is a matter in which the senior Senator from New York [Mr. PLATT] appears to be interested. He is not here to-day. He has presented the matter to me in such a light and has made such a good showing as to the services actually rendered by the physician at the New York Agency that I am inclined to believe that that appropriation of \$600 should stand.

Mr. PLATT of Connecticut. Then let the Senate disagree to the amendment.

Mr. THURSTON. I ask that the amendment be disagreed to. The PRESIDING OFFICER. Without objection, the amendment proposed by the committee striking out lines 15 and 16 will be disagreed to.

Mr. JONES of Arkansas. Did not the Commissioner of Indian Affairs state that there was no occasion for this appropriation?

Mr. THURSTON. I think he did. The Senator from New York [Mr. PLATT], as I stated, presented a detailed showing of the services actually rendered to those Indians by the physician at that point for the last year.

Mr. JONES of Arkansas. I have no further objection. Let the amendment be disagreed to.

The PRESIDING OFFICER. The amendment is disagreed to. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 44, line 15, before the word "thousand," to strike out "forty" and insert "seventy-five;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That the Secretary of the Interior may employ such number of superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed four, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner; and also one clerk in the Office of Indian Affairs, at a salary of \$1,000 per annum.

So as to make the clause read:

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, \$75,000: *Provided*, That the Secretary of the Interior may employ such number of superintendents of irrigation, etc.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to strike out:

To enable the President to cause, under the provisions of the act of March 2, 1889, entitled "An act to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," to be allotted the land in said separate reservations as provided in said act, including the necessary resurveys, \$10,000. [Reimbursable.]

The amendment was agreed to.

The next amendment was, on page 45, after line 24, to insert:

For the survey of lands in the Pine Ridge, Rosebud, and Standing Rock Indian reservations, in South Dakota, and for examination in the field of the surveys, the sum of \$22,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 46, after line 3, to insert:

For clerical work and stationery in the office of surveyor-general, required on surveys within the Cheyenne River, Pine Ridge, Rosebud, and Standing Rock Indian reservations, in South Dakota, the sum of \$3,200.

The amendment was agreed to.

The next amendment was, on page 46, line 15, before the word "appropriated," to strike out "hereinbefore" and insert "heretofore;" in line 17, before the word "thousand," to strike out "fifteen" and insert "twenty;" and on page 47, line 2, before the word "thousand," to strike out "sixty" and insert "sixty-five;" so as to make the clause read:

For increasing the amount heretofore appropriated for the erection of said asylum for insane Indians at Canton, S. Dak., the sum of \$20,000, the said sum being in addition to the amount appropriated for that purpose by the act entitled "An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June 30, 1900, and for other purposes," approved March 1, 1899, and the limit of cost for said asylum is fixed at the amount heretofore and herein appropriated, namely, \$65,000.

The amendment was agreed to.

The next amendment was, on page 47, line 19, after the word "cents," to insert "as itemized and set forth in Senate Report No. 582, Forty-fourth Congress, second session, at page 39 thereof;" and in line 22, after the word "available," to strike out "and to be in full of all demands of said Indians under and by virtue of said treaty;" and on page 48, line 4, after the word "cents," to insert

"and interest thereon at 6 per cent per annum from May 6, 1899;" so as to make the clause read:

For this amount to enable the Secretary of the Interior to carry out the terms of the twenty-fourth article of the treaty of February 23, 1867, with the confederated tribes of Kaskaskia, Peoria, Piankeshaw, and Wea Indians, \$25,501.96, as itemized and set forth in Senate Report No. 582, Forty-fourth Congress, second session, at page 39 thereof, to be immediately available, said sum to be paid per capita to said Indians by the Secretary of the Interior, or expended for their benefit in such manner and for such objects and purposes as he may direct: *Provided*, That before any payment shall be made to said Indians under this act the sum of \$1,181.69 and interest thereon at 6 per cent per annum from May 6, 1891, shall be deducted and paid to T. F. Richardson, or his legal representatives, on account of money loaned to said Indians.

The amendment was agreed to.

The next amendment was, on page 48, after line 8, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay the balance of awards made to the loyal Seminole Indians under the direction of the Secretary of the Interior, with interest thereon, as per articles 3 and 4 of the treaty of March 21, 1866, and paragraph 14 of the agreement of December 16, 1897; and the sum of \$186,000 is hereby appropriated for the purpose: *Provided*, That if any of the said loyal Seminoles whose names are on the lists of awards as made up in pursuance of said treaty of 1896 shall have died, then the amount due such deceased persons, respectively, shall be paid to their legal heirs, and the acceptance of the sum hereby appropriated shall be in full settlement of said awards.

Mr. JONES of Arkansas. I should like to ask the chairman of the committee a question about the first part of that amendment—

That the Secretary of the Treasury be, and he is hereby, authorized to pay the balance of awards made to the loyal Seminole Indians under the direction of the Secretary of the Interior, with interest thereon, as per articles 3 and 4 of the treaty of March 21, 1866, and paragraph 14 of the agreement of December 16, 1897.

The question raised in my mind was whether this reference to articles 3 and 4 of that treaty might not hereafter raise a question as to what the amount of this award was, and whether this award ought not to be distinctly stated as being in satisfaction of those paragraphs of that treaty. If we open the question as to whether those awards may be opened hereafter, and interest charged from the time of the claim up to this time, it might amount to a good deal more than is now appropriated.

Mr. THURSTON. I see the force of the suggestion, and I will ask to have the amendment passed over. I will prepare an amendment to the amendment that I think will cover it.

Mr. PETTIGREW. I think the last line of the paragraph, line 23, perhaps covers the case; but, if it does not, it will be very proper to have some other language inserted in the beginning of the proviso:

And the acceptance of the sum hereby appropriated shall be in full settlement of said awards.

Mr. JONES of Arkansas. But that is at the end of the proviso, which proviso makes provision for the payment to certain deceased Seminoles, and this being in full might be held to apply to the claims of the families of the deceased Seminoles and not to others.

Mr. PETTIGREW. That is possible. It would be very proper to guard that point clearly.

The PRESIDENT pro tempore. The amendment, without objection, will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 48, after line 23, to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of \$216,679.48, which amount was appropriated by the act of June 28, 1898, and credited to the "incompetent fund" of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, in such manner and within one year from the passage of this act, satisfactorily establish their identity and also the amount of such fund to which they are severally entitled, their respective shares; and second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred.

Mr. JONES of Arkansas. It seems to me that there has been a clerical omission in the language of that paragraph beginning with line 6 on page 49:

First, there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, in such manner and within one year from the passage of this act.

It appears to me there must have been something left out after the word "manner;" that it should read, "in such manner as the Secretary of the Interior may prescribe," or "as may be prescribed," or some words like those. I am not sure about that; the expression may be just as it should be; but it does not strike me that it stands as it should read. It appears to me it would be better English as it stands now to strike out the words "in such manner and," so as to make it read, "and to such heirs of deceased beneficiaries as shall within one year from the passage of this act satisfactorily establish their identity." I believe that that would be better, and I suggest to the chairman that he amend the amendment by striking out the words "in such manner and" and let it read "as shall within one year."

Mr. THURSTON. The Senator's suggestion is to strike out the words, "in such manner and?"

Mr. JONES of Arkansas. Yes, sir.

Mr. THURSTON. I think that is proper, Mr. President, and I accept that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 49, after line 18, to insert:

The Secretary of the Interior is hereby authorized to negotiate, through an Indian inspector, with any tribe or band of Indians now occupying reservations for the allotment of lands in severalty and the extinguishment of the Indian title. And for said purpose, and to enable the Secretary of the Interior to negotiate through an inspector with the Indians upon the Rosebud Reservation, S. Dak., for a cession of the unallotted lands in Gregory County, S. Dak., and to negotiate with the Indians upon the Fort Peck Indian Reservation in the State of Montana for a cession of their surplus lands, and to negotiate with the Indians upon the Devils Lake Reservation in North Dakota for a cession of their unallotted or surplus lands, and to negotiate with the Indians upon the Pyramid Lake and Walker River reservations in Nevada for a cession of their unallotted or surplus lands, the sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated, out of which sum the Secretary of the Interior may employ stenographers and necessary assistance.

Mr. PETTIGREW. I should like to ask whether, if that paragraph is adopted, after the bill has been reported to the Senate the paragraph would still be subject to amendment by the Senate?

The PRESIDENT pro tempore. It would.

Mr. PETTIGREW. Then I am perfectly willing that it shall be adopted. I may wish to offer an amendment to it, and I may wish to offer amendments to some other paragraphs that stand in the same relation after the bill goes into the Senate. I simply wanted to know if I would have that right.

Mr. THURSTON. I will say that, under the request I made for the consideration of the committee amendments, I shall not object to any amendment being proposed afterwards, either in Committee of the Whole or in the Senate, to the clauses of the bill not amended or to those that have been amended.

The PRESIDENT pro tempore. Amendments will be in order in the Senate.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. LODGE. Mr. President, that bill has come up every day. No one has yet appeared to be ready to speak upon it. I know of three or four Senators who desire to speak. There has been a good deal of debate already upon the subject. I have no desire to hurry the matter unduly, but I am anxious, of course, to get it disposed of, so as to make way for other business. I give notice that on Wednesday next I shall ask the Senate to take a vote or to fix a time for taking a vote, so that the bill may be disposed of. Now I ask that it be laid aside temporarily.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the unfinished business may be temporarily laid aside in order that further consideration may be given to the Indian appropriation bill. Is there objection?

Mr. BACON. What bill is that, I ask?

The PRESIDENT pro tempore. The Philippine government bill.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes.

The next amendment of the Committee on Indian Affairs was, on page 50, after line 13, to insert:

For payment to the Flambeau Lumber Company, \$12,039.35, the same being balance due said company for improvements made on the Lac du Flambeau Reservation for school and reservation purposes under a proper authority of the Secretary of the Interior, to be paid for out of timber to be cut on school and swamp lands within said reservation, which timber was not cut on account of suit instituted by the State of Wisconsin against the lumber company, after the improvements authorized had been made, stopping the same.

The amendment was agreed to.

The next amendment was, on page 50, after line 23, to insert:

For making necessary repairs of the Big Wind River bridge, on the Shoshone Agency, Wyo., \$750, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior; the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 51, after line 3, to insert:

For purchase and construction of one portable sawmill for the Klamath Agency, Oreg., \$3,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 5, to insert:

For the construction and equipment of a telephone line from Chamberlain, S. Dak., to Crow Creek Indian Agency, Lower Brule Indian Agency, and Grace Mission, said telephone line to be constructed and equipped under the direction of the Secretary of the Interior, \$5,000, or so much thereof as may be necessary; to be immediately available.

The amendment was agreed to.

The next amendment was, on page 51, after line 12, to insert:

That the sum of \$30,000, or as much thereof as may be found necessary, is hereby appropriated for the purpose of paying the claims for subsistence and transportation money of all those Cherokee Indians who, under the treaty of 1828, known as the new Echota treaty, removed from the States of Tennessee, Alabama, Georgia, and other States to the present Cherokee Nation in the year 1835, and prior and subsequent thereto, the said Cherokee and lineal descendants, and who have not received any part of the \$30,000 appropriated for the same purpose in the year 1835. And the Secretary of the Interior is hereby authorized and directed to pay, out of the above sum of \$30,000, the sum of \$53 to each Cherokee Indian who, within one year from the passage of this act, shall file with the Commissioner of Indian Affairs his application, supported by proof satisfactory to the Secretary of the Interior that he removed from the State of Tennessee, Alabama, Georgia, or other State to the Cherokee Nation, under said above treaty, in the year 1835, or prior or subsequent thereto: *Provided*, That where the original Cherokee Indian who removed from Tennessee, Alabama, Georgia, or other State, is dead, the said above sum of \$53 shall be paid to his heir or heirs, lineal descendant or descendants, pro rata, after he or they shall have furnished proof, to the satisfaction of the Secretary of the Interior, that he or they is or are the heir or heirs, lineal descendant or descendants, of the ancestor named in the application; and all claims for such subsistence and transportation money not presented to the Secretary of the Interior, supported by satisfactory proof, as aforesaid, within one year from the passage of this act, shall be, and the same are, barred.

The amendment was agreed to.

The next amendment was, on page 52, after line 20, to insert:

That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension to July 1, 1901, in which to make payments as now provided by law.

The amendment was agreed to.

The next amendment was, at the top of page 53, to insert:

Fifty thousand dollars, or so much thereof as may be necessary, to be immediately available, in payment of liabilities already incurred and for amount necessary to be expended in suppressing the spread of smallpox in the Indian Territory among those residents of said Territory not members of any Indian tribe or nation therein, all accounts to be first approved by the Secretary of the Interior as just and reasonable.

The amendment was agreed to.

The next amendment was, on page 53, after line 8, to insert:

To enable the United States Indian agent of the Pima Agency, Ariz., to pay the expenses incurred by the farmer in charge of the San Xavier Reservation in employing two attorneys to defend four Papago Indians tried on the charge of violating United States statute 5286, the sum of \$200.

The amendment was agreed to.

The next amendment was, on page 53, after line 14, to insert:

To enable the Secretary of the Interior, on approval of agreements by him, to pay settlers for lands and improvements, to pay Indians residing east of Tongue River, Montana, for improvements, to construct a wire fence, to purchase bulls and heifers, to construct or repair buildings at Tongue River Agency, establish and build a substation, farmer's residence, and blacksmith shop at Tongue River, and to pay for certain lands, as recommended by United States Indian Inspector James McLaughlin in his three reports to the Secretary of the Interior dated, respectively, November 14, 1898, and February 3 and 16, 1900, upon investigations made under the provisions of section 10 of the Indian appropriation act approved July 1, 1898 (30 Stats., pages 596 and 597), \$220,020.44.

The amendment was agreed to.

The next amendment was, on page 54, after line 6, to insert:

For the erection of additional buildings, fencing, means of locomotion, and other purposes necessary to complete the establishment of Leech Lake Agency, Minn., \$5,000, to be immediately available.

The amendment was agreed to.

Mr. THURSTON. I am directed by the committee to offer an amendment to come in at the end of line 10, on page 54.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 10, page 54, add:

For printing and binding in two volumes not exceeding 2,000 copies of the digest of decisions relating to Indian affairs, authorized by Indian appropriation acts of June 10, 1896, and June 7, 1897, \$5,000, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior is authorized to donate 30 copies to Kenneth S. Murchison, the compiler of said digest, for complimentary distribution by him.

The amendment was agreed to.

Mr. THURSTON. I am directed by the committee to offer an amendment to come in at the end of the amendment just adopted.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the amendment just adopted add:

To enable the Secretary of the Interior, on approval of agreements by him, to pay settlers for improvements, as recommended by United States Indian Inspector James McLaughlin in his report to the Secretary of the Interior, dated June 13, 1899, upon investigations made under instructions from the Secretary of the Interior, on March 14, 1899, \$48,000, or so much thereof as may be necessary, the improvements being situated within the addition to the Navajo Indian Reservation made by Executive order dated January 8, 1900: *Provided*, That the Secretary of the Interior shall make no payment for any of said improvements unless, in his judgment, the valuation thereof as reported by said Inspector McLaughlin is fair and just: *And provided further*, That all of said improvements and the lands upon which they are situated in and near Tuba City, are hereby reserved for such school or other public purposes as hereafter be decided upon by the Secretary of the Interior.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, under the head of "Support of schools," on page 54, line 14, before the word "hundred," to strike out "two" and insert "one;" in the same line, before the word "thousand," to strike out "and ninety-five;" and in line 54, after the word "dollars," to strike out "of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska;" so as to make the clause read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, \$1,125,000.

Mr. TELLER. I wish to say to the chairman of the committee that this bill has contained for several years the provision:

Of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska.

I regret that the committee have seen fit to strike it out. I only want to call the attention of the chairman to the fact that the appropriation for Alaska is always very limited. There has been a demand greater than the appropriation for schools; and I am afraid if this is left out, they will be compelled to reduce some of the schools up there. I call the Senator's attention to it, and I hope he will look into it and, when the bill comes into conference, consider the matter.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 54, after line 17, to strike out:

The Secretary of the Interior is authorized and directed to issue rules and regulations governing schools in the Cherokee, Creek, Choctaw and Chickasaw nations, in the Indian Territory; to appoint such officers, teachers, and employees as in his judgment shall be necessary to the establishment and maintenance of good and efficient schools in said nations; and to pay said officers, teachers, and employees for their services and other necessary expenses of said schools from the funds of said nations: *Provided*, That in the selection of teachers merit only shall be considered.

The amendment was agreed to.

Mr. PETTIGREW. I shall offer an amendment, on page 54, in relation to the support of schools, after the committee amendments are disposed of, which will provide for taking care of the contract schools.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 55, line 7, before the word "in," to strike out "For purchase of horses, cattle, sheep, goats, swine, poultry, and so forth, for schools, \$5,000;" and in line 9, before the word "thousand," to strike out "four hundred and eighty" and insert "three hundred and ninety-five;" so as to make the clause read:

In all, \$1,395,000.

The amendment was agreed to.

The next amendment was, on page 55, line 21, before the word "plant," to strike out "electric light" and insert "a lighting;" and in line 23, after the word "dollars," to strike out "in all, \$26,100," and insert "for the construction of a new dormitory, \$10,000; in all, \$36,100;" so as to make the clause read:

For the support and education of 100 Indian pupils at Chamberlain, S. Dak., \$16,700; for pay of superintendent of said school, \$1,200; for general repairs and improvements, \$2,000; for erection of shops, \$2,000; for a lighting plant, \$1,200; for construction and extension of sewer, \$3,000; for the construction of a new dormitory, \$10,000; in all, \$36,100.

The amendment was agreed to.

The reading of the bill was continued to the end of line 15, on page 56.

Mr. THURSTON. I am directed by the committee to offer the amendment which I send to the desk, to come in at the end of line 10, on page 56.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "school," at the end of line 10, on page 56, it is proposed to insert:

For the purchase of additional land, subject to the approval of the Secretary of the Interior.

So as to read:

For support of Indian industrial school at Carlisle, Pa., for transportation of pupils to and from said school, for the purchase of additional land, subject to the approval of the Secretary of the Interior, and for general repairs and improvements, etc.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 57, line 9, after the word "at," to insert "The Riggs Institute;" in line 13, before the word "hundred," to strike out "five" and insert "two;" in line 14, before the word "dollars," to insert "and fifty;" in line 14, after the word "dollars," to insert:

To be expended in the discretion of the Secretary of the Interior if contract can not be made with the village of Flandreau for adequate water supply at \$1,250 per annum.

In line 19, before the word "hundred," to strike out "seven" and insert "five;" and in the same line, before the word "dollars," to strike out "and fifty;" so as to make the clause read:

For support and education of 350 Indian pupils at The Riggs Institute, Flandreau, S. Dak., \$58,450; for general repairs and improvements, \$2,000; for pay of superintendent of said school, \$1,800; water rent, \$1,250; for permanent water supply, \$6,000, to be expended in the discretion of the Secretary

of the Interior if contract can not be made with the village of Flandreau for adequate water supply at \$1,250 per annum; in all, \$80,500.

Mr. PETTIGREW. I wish to call the attention of the chairman of the committee to the provision with regard to the Indian school at Flandreau, S. Dak. I wish to strike out in line 14 the words "for permanent water supply, \$6,000;" then disagree to the committee amendment, and provide for \$1,500 for rent of water in the city of Flandreau. That city has put in a water supply and connected it with this school at a very large expense. I am informed by the mayor of the town that \$1,500 will not more than pay the cost of furnishing the water; and yet they wish to continue the service, because it helps this small town to carry on a better system and to have a larger plant than they would otherwise have.

Mr. THURSTON. I will say that the committee amendments were inserted on the advice of the Senator from South Dakota; but if he is now advised that the original provisions ought to stand, I have no objection to disagreeing to the committee amendments in that paragraph.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Dakota will be stated.

Mr. PETTIGREW. I wish to disagree to the amendments reported by the committee.

The PRESIDENT pro tempore. They will be disagreed to, without objection.

Mr. PETTIGREW. Now, I move to strike out the words "for permanent water supply, \$6,000," in line 14.

The amendment was agreed to.

Mr. PETTIGREW. I think that is all. That will correct the paragraph.

The PRESIDENT pro tempore. Are the words "The Riggs Institute" to stand?

Mr. PETTIGREW. Those words are to stand.

Mr. THURSTON. All the other amendments in that paragraph are to be disagreed to but that.

Mr. PETTIGREW. With the amendment I have proposed the provision as to water rent will read: "For water rent, \$1,500."

The PRESIDENT pro tempore. The Chair understands the amendment has been agreed to in line 14, on page 57, striking out the words "for permanent water supply, \$6,000."

Mr. PETTIGREW. Yes; striking those words out.

Mr. THURSTON. And also striking out the committee amendment "to be expended in the discretion of the Secretary of the Interior," etc.

The PRESIDENT pro tempore. That amendment will be regarded as disagreed to, in the absence of objection.

Mr. PETTIGREW. And the total will have to be changed to correspond with the reduced appropriation.

Mr. THURSTON. The total should be changed.

The PRESIDENT pro tempore. The clerks have been authorized, by unanimous consent, to change the totals where necessary.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 57, line 24, before the word "plant," to strike out "gas" and insert "a lighting," so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school, Fort Mojave, Ariz., \$25,050; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$2,000; for a lighting plant, \$3,500; in all, \$32,050.

The amendment was agreed to.

The next amendment was, on page 58, after line 2, to insert:

For construction and equipment in connection with the Indian school at Fort Lewis, Colo.: For a boys' dormitory, \$12,000; for industrial shops, \$5,000; for laundry, \$3,000; and for a lighting plant, \$5,000; in all, \$25,000.

The amendment was agreed to.

The next amendment was, on page 58, line 14, after the word "dollars," to insert:

For steam-heating system, \$10,000, to be immediately available, this to be in addition to the sum of \$5,000 heretofore appropriated for this purpose, which sum is hereby reappropriated; for a lighting plant, \$1,200, this being in addition to the sum of \$1,800 heretofore appropriated for this purpose, which sum is hereby reappropriated.

In line 22, before the word "thousand," to strike out "fifty" and insert "sixty-two;" and in the same line, before the word "and," to strike out "eight hundred;" so as to make the clause read:

For support and education of 250 Indian pupils at Indian school, Fort Totten, N. Dak., \$41,750; for pay of superintendent at said school, \$1,600; for sewerage system, \$2,500; for general repairs and improvements, \$5,000; for steam-heating system, \$10,000, to be immediately available, this to be in addition to the sum of \$5,000 heretofore appropriated for this purpose, which sum is hereby reappropriated; for a lighting plant, \$1,200, this being in addition to the sum of \$1,800 heretofore appropriated for this purpose, which sum is hereby reappropriated; in all, \$62,050.

Mr. THURSTON. I call the attention of the Senator from North Dakota [Mr. HANSBROUGH] to the amendment just stated. I understand that he desires an additional amount appropriated to that recommended by the committee.

Mr. HANSBROUGH. I supposed we were first considering

the committee amendments. However, if it is agreeable to the Senator, I will offer my amendment now.

Mr. THURSTON. I think perhaps we can dispose of it in a moment.

Mr. HANSBROUGH. I move to amend the amendment of the committee, on page 58, line 18, by striking out the word "one," before the word "thousand," and inserting "four;" and in line 19 by striking out the words "two hundred;" so as to read:

For a lighting plant, \$4,000.

Mr. THURSTON. I see by the committee amendment that \$1,800 has heretofore been appropriated for that purpose, together with an additional \$1,200, making \$3,000. Now, does the Senator ask for \$4,000 in addition to the \$1,800 heretofore appropriated?

Mr. HANSBROUGH. My amendment is in conformity with the recommendation made by the Commissioner of Indian Affairs. I have here a letter from the Commissioner in which he says:

As stated above, the plant is lighted with dangerous kerosene lamps. With the cheap fuel which they have an electric-light plant could be maintained economically. In the appropriation act for the present fiscal year there is an item of \$1,800 for an electric-light plant. This, in the very first instance, was an inadequate estimate, and, since the enormous rise in the price of materials entering into electrical construction, is so far below the true amount that I have taken no steps to utilize it. I feel satisfied that this item of \$1,800 should be reappropriated, and also an additional amount to increase the total for an electric-light plant to \$4,000 would be eminently right and proper.

Mr. THURSTON. I call the Senator's attention to the fact that if he strikes out the word "one," in line 18, and inserts "two," he meets the recommendation of the Commissioner.

Mr. HANSBROUGH. Precisely.

The PRESIDENT pro tempore. The Senator from North Dakota modifies his amendment in the way in which it will be stated.

The SECRETARY. In line 18, after the word "plant," it is proposed to strike out "\$1,200" and insert "\$2,200;" so as to read:

For a light plant, \$2,200.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. THURSTON. The total should be changed to correspond. The PRESIDENT pro tempore. The total will be amended by making the amount \$63,000.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 58, after line 22, to strike out:

That the sum of \$5,000 appropriated for steam heating and the sum of \$1,800 appropriated for an electric-lighting plant at the Fort Totten, N. Dak., Indian school, by the Indian appropriation act for the fiscal year 1900, is hereby reappropriated and made available during the fiscal year 1901.

The amendment was agreed to.

The next amendment was, on page 59, line 9, after the word "dollars," to strike out "for employees' cottage, \$3,000" and insert:

For construction and completion of new school building, \$25,000; for construction and completion of new hospital building, \$5,000; for construction of barn, \$1,500.

In line 15, before the word "thousand," to strike out "fifty-seven" and insert "eighty-five;" and in the same line, before the word "hundred," to strike out "three" and insert "eight;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Genoa, Nebr., \$50,100; for general repairs and improvements, \$2,500; for pay of superintendent of said school, \$1,700; for construction and completion of new school building, \$25,000; for construction and completion of new hospital building, \$5,000; for construction of barn, \$1,500; in all, \$85,800.

The amendment was agreed to.

The next amendment was, on page 59, line 21, after the word "dollars," to strike out "for the completion of a new school building, \$15,000" and insert:

For increasing the amount heretofore appropriated for the erection of a new school building at Hayward, Wis., the sum of \$15,000, the said sum being in addition to the amount appropriated for that purpose by the act approved March 1, 1899; and the limit of cost for said school building is fixed at the amount heretofore and herein appropriated, namely, \$75,000, the same to be immediately available.

So as to make the clause read:

For the support and education of 125 pupils at the Indian school at Hayward, Wis., \$30,875; pay of superintendent, \$1,300; general repairs and improvements, \$1,500; for increasing the amount heretofore appropriated for the erection of a new school building at Hayward, Wis., the sum of \$15,000, the said sum being in addition to the amount appropriated for that purpose by the act approved March 1, 1899; and the limit of cost for said school building is fixed at the amount heretofore and herein appropriated, namely, \$75,000, the same to be immediately available; in all, \$38,675.

The amendment was agreed to.

The next amendment was, on page 60, line 9, before the word "thousand," to strike out "thirty" and insert "twenty-nine;" in the same line, before the word "hundred," to strike out "four" and insert "two;" in line 12, after the word "dollars," to insert "for dormitory building, \$20,000," and in line 13, after the word "all," to strike out "thirty-four" and insert "fifty-four;" so as to make the clause read:

For support and education of 175 Indian pupils at the Indian school at Grand Junction, Colo., \$20,225; for pay of superintendent at said school, \$1,500; for

general repairs and improvements, \$3,000; for dormitory building, \$20,000; in all, \$54,925.

The amendment was agreed to.

Mr. TELLER. I wish to offer an amendment. I inquire of the chairman of the committee if I may do so now?

Mr. THURSTON. I am willing to have amendments now offered to the school provisions.

Mr. TELLER. On page 60, line 13, after the word "dollars," I move to insert:

For the purchase of not exceeding 10 acres of land for the purpose of sewerage deposit, to be immediately available, \$800.

Mr. THURSTON. The Senator has submitted to me the necessity for this amendment of \$600 for the purchase of land, and I am willing to accept it.

Mr. TELLER. I have a letter here from the Commissioner of Indian Affairs, which I desire to have printed, so that the committee may have it before them when the bill goes into conference, asking for this appropriation, which came to me too late to be presented to the committee.

The PRESIDENT pro tempore. Does the Senator desire to have the letter printed in the RECORD?

Mr. TELLER. Yes, sir; so that it will go in with the proceedings.

The PRESIDENT pro tempore. The letter will be printed in the RECORD, in the absence of objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 23, 1900.

SIR: Knowing the interest which you have taken in the Indian school at Grand Junction, Colo., I have the honor to bring to your attention a matter which it is possible may require Congressional action. In the Indian appropriation act for the present fiscal year there appears an item of \$5,500 for sewerage system. For some time I have endeavored to have the necessary plans and specifications for an adequate system prepared. On several occasions the superintendent has reported that it is impossible for him to get a proper system, or such a system as the school actually needs, for the \$5,500.

He has finally, therefore, submitted plans and estimates for the same which contemplate the deposition of the sewage matter upon a 10-acre field, which he estimates will cost about \$500 or \$600. Although the engineer seems to think that his plan can be installed for the amount available, yet there is an air of doubt about the same, and also upon the part of this office. If an additional appropriation could be secured for, say, \$1,000, for supplementing the present appropriation of \$5,500 for this purpose, and also not exceeding \$800 for the purchase of a sufficient amount of land to be utilized as a deposit bed for the sewage, it would materially help the matter. On account of the local conditions, of which you are probably better aware than I am, this sewage matter can not be emptied into either the Grand or the Gunnison River; and, on the other hand, if the proposed plan can be made successful, it will utilize the waste matter of the school in the irrigation and growing of crops on the land on which the sewage is emptied, rather than to pollute a running stream with it. The superintendent has not suggested this course, but in view of all the contingencies surrounding the same I am satisfied that without some additional help in this matter the best plans I can secure will only inadequately meet existing conditions. Should the above suggestion be crystallized into action, whatever amounts are given should be made immediately available in order that they may supplement the present system.

Very respectfully,

W. A. JONES, Commissioner.

Hon. H. M. TELLER,
United States Senate.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Colorado [Mr. TELLER].

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 61, after line 2, to insert:

For improvements at the Klamath Agency Boarding School, Oregon, as follows: For waterworks and sewerage system, \$3,300; for construction of one barn, \$1,043; for lighting system, \$3,000; in all, \$7,343.

The amendment was agreed to.

The next amendment was, on page 61, line 10, after the word "Kansas," to strike out "for transportation of pupils to and from said school;" in line 13, before the word "thousand," to strike out "and five;" in line 15, after the word "available," to insert:

For increasing the amount heretofore appropriated for the erection of a new school building at Haskell Institute, Lawrence, Kans., the sum of \$10,000; the said sum being in addition to the amount appropriated for that purpose by the act approved March 1, 1899, and the limit of cost of said school building is fixed at the amount heretofore and herein appropriated, namely, \$25,000, the same to be immediately available.

And in line 24, before the word "thousand," to strike out "seventeen" and insert "twenty-seven;" so as to make the clause read:

For support and education of 600 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for general repairs and improvements, \$100,240; for pay of superintendent at said school, \$2,000; for extending steam plant, \$10,000, to be immediately available; for increasing the amount heretofore appropriated for the erection of a new school building at Haskell Institute, Lawrence, Kans., the sum of \$10,000; the said sum being in addition to the amount appropriated for that purpose by the act approved March 1, 1899, and the limit of cost of said school building is fixed at the amount heretofore and herein appropriated, namely, \$25,000, the same to be immediately available; in all, \$127,200.

The amendment was agreed to.

The next amendment was, at the top of page 62, to insert:

For the construction of a new schoolhouse, with girls' dormitory and sitting room attached, at the Lemhi Agency, Idaho, \$5,000.

The amendment was agreed to.

The next amendment was, on page 62, line 9, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., \$50,100; for pay of superintendent of said school, \$1,700; for general repairs and improvements, \$1,500; for erecting girls' dormitory, \$20,000, to be immediately available; in all, \$73,300.

The amendment was agreed to.

The next amendment was, on page 62, line 17, to strike out:

For the purpose of removing the Indian school now located at Perris, Cal., to a new and more suitable site at or near Riverside, Cal.

And insert:

For the establishment of an Indian school at or near Riverside, Cal.

The amendment was agreed to.

The next amendment was, on page 63, line 6, after the word "dollars," to insert "for the erection of an auditorium, \$15,000;" and in line 8, before the word "thousand," to strike out "two" and insert "seventeen;" so as to make the clause read:

For support and education of 600 Indian pupils at the Indian school at Phoenix, Ariz., and for general repairs and improvements, \$100,200; for pay of superintendent at said school, \$2,000; for the erection of an auditorium, \$15,000; in all, \$117,200.

The amendment was agreed to.

The reading of the bill was continued to the end of line 9, on page 64.

Mr. NELSON. I offer an amendment to come in after the word "dollars," in line 8, on page 64. It is an amendment recommended by the Commissioner of Indian Affairs. I have his letter here, and ask that it be inserted in the RECORD.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. THURSTON. Certainly.

The PRESIDENT pro tempore. The amendment will be stated. The SECRETARY. On page 64, line 8, after the word "dollars," it is proposed to insert:

For the purchase of a farm of 160 acres, \$8,400, to be immediately available.

So as to make the clause read:

For the support and education of 150 Indian pupils at the Indian school at Morris, Minn., \$25,050; for pay of superintendent, \$1,500; for general repairs and improvements, \$1,500; for the purchase of a farm of 160 acres, \$8,400, to be immediately available.

Mr. THURSTON. I have seen the recommendation of the Commissioner of Indian Affairs as to the amendment, and I make no objection to it.

The amendment was agreed to.

Mr. NELSON. I suggest another amendment to change the total from \$28,050 to \$34,450, in line 9.

The PRESIDENT pro tempore. The footing will be so changed under the order which has been already made.

Without objection, the letter referred to by the Senator from Minnesota will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 23, 1900.

SIR: I have the honor to acknowledge the receipt, by your reference, of a letter from the superintendent of the Indian school at Morris, Minn., relative to the advisability of securing additional land for use of said school, and in reply to your request for my views on this subject, and if I favor this plan, you desire me to send you an amendment which could be inserted in the Indian appropriation bill.

In reply you are advised that the Indian school at Morris, Minn., was purchased by the Government from Mother Joseph in 1897 for \$14,519. The original proposition was for \$15,919, which was for 80 acres on which the building was situated and 160 acres situated at a distance. During the pendency of the negotiations it developed that a clear title could not be given to the 160 acres. It was therefore eliminated, being valued at \$1,400 and said to be not very good land. In view of the statements made by the superintendent that they have now only about 60 acres available for cultivation and this school is for an agricultural section of the country, including stock raising and dairying; that he has not adequate facilities for carrying out these ideas, he therefore thinks it necessary for an addition of at least 250 acres of land at a cost of \$10,000.

The superintendent in his letter also refers to the act under which the Clontarf property was sold for \$4,600, and desires this money utilized in the purchase of additional land. United States Indian Inspector Duncan has recently made an inspection of this school and refers to this subject as follows: That 80 acres originally purchased are not sufficient for the school and 80 more should be secured for gardening and the keeping of stock.

I am not prepared to recommend the number of acres proposed and the amount \$10,000 recommended by the superintendent, but, in view of all the circumstances surrounding this school, feel satisfied that as originally contemplated at least 160 acres more should be given the school in order to round out its facilities and make it an industrial school suited to the environment of the pupils from which it must of necessity draw its support.

Carrying out your suggestion I would submit the following as an amendment:

Amendment proposed to appropriation act, H. R. 7433, Calendar No. 590: On page 64, line 8, after "dollars," insert: "for the purchase of a farm of 160 acres, \$8,400, to be immediately available."

Very respectfully,

W. A. JONES,
Commissioner.

Hon. KUTIE NELSON,
United States Senate.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 64, line 20, after the word "dollars," to insert "for the erection and completion of

a brick dormitory, \$20,000;" and on page 65, line 2, before the word "thousand," to strike out "ninety-five" and insert "one hundred and fifteen;" so as to make the clause read:

For support and education of 500 pupils at the Indian school, Salem, Oreg., \$83,500; for pay of superintendent at said school, \$1,800; for erection of an industrial building, \$6,000; for the erection and completion of a brick dormitory, \$20,000; for general repairs and improvements, \$3,000; for purchase of 12.27 acres of land at \$100 per acre, \$1,227; in all, \$115,527.

The amendment was agreed to.

The next amendment was, on page 65, line 16, before the word "lighting," to strike out "electric" and insert the article "a;" so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., \$50,100; for pay of superintendent at said school, \$1,700; for water supply and sewerage, \$2,000; for general repairs and improvements, \$3,000; for extension to school building, \$6,000; or addition to warehouse, \$2,000; for a lighting system, \$4,500; in all, \$69,900.

The amendment was agreed to.

The next amendment was, on page 66, line 10, after the word "hospital," to insert "to be immediately available;" and in line 12, after the word "superintendent," to insert "to be immediately available;" so as to make the clause read:

For the support and education of 175 Indian pupils at the Indian school, Tomah, Wis., \$29,225; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$3,000; for equipment of girls' dormitory, dining hall, kitchen, and hospital, to be immediately available, \$1,500; for construction of suitable quarters for superintendent, to be immediately available, \$3,500; in all, \$38,725.

The amendment was agreed to.

The next amendment was, on page 66, after line 19, to insert:

For rebuilding and equipping the Winnebago School, at the Winnebago Indian Agency, Nebr., \$40,000, the same to be immediately available.

The amendment was agreed to.

The next amendment was, on page 67, line 5, to increase the appropriation for collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, etc., from \$35,000 to \$40,000.

The amendment was agreed to.

The next amendment was, on page 68, line 12, after the word "purchase," to strike out:

Provided, That funds herein and heretofore appropriated for construction of artesian wells, ditches, and other works for irrigating may, in the discretion of the Secretary of the Interior, be expended in open market: *Provided further*, That purchase in open market shall, as far as practicable, be made from Indians, under the direction of the Secretary of the Interior.

And insert:

Provided, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 69, line 2, after the words "upon the," to strike out "reservation" and insert "reservations, or at industrial schools;" and in line 5, after the word "advisable," to strike out:

Provided further, That the Indians to whom lands have been allotted on the Yakima Reservation in the State of Washington shall be permitted to lease such allotted lands for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.

And insert:

And the sum of \$10,000 is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect.

So as to make the clause read:

Provided further, That the Secretary of the Interior may, when practicable, arrange for the manufacture, by Indians upon the reservations, or at industrial schools, of shoes, clothing, leather, harness, and wagons, and such other articles as the Secretary of the Interior may deem advisable, and the sum of \$10,000 is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect.

The amendment was agreed to.

The next amendment was, on page 71, after line 20, to strike out section 7, as follows:

SEC. 7. That the proviso to the act approved August 15, 1894, permitting the sale of allotted lands by members of the Citizen band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma is hereby extended so as to permit the adult heirs of a deceased allottee to sell and convey the lands inherited from such decedent; and if there be both adult and minor owners of such inherited lands, then such minors may join in a sale thereof by a guardian, duly appointed by the proper court, upon an order of such court made upon petition filed by such guardian, all conveyances made under this provision to be subject to the approval of the Secretary of the Interior; and any Citizen Pottawatomie or Absentee Shawnee not residing upon his allotment, but being an actual resident of another State or Territory, may in like manner sell and convey all the land allotted to him.

That such proviso of the act approved August 15, 1894, as herein enlarged, is hereby extended to those members of the Citizen band of Pottawatomie Indians and the Absentee Shawnee Indians who were given allotments under the act approved the 23d day of May, 1872, and to their heirs; and any purchasers of Indian blood of lands sold under the provisions of the act last named, or their heirs, who may own other allotted lands under any act of

Congress, may sell all the lands so owned by them in excess of 80 acres, the restrictions against sales by allottees under the act last named to others than the United States or persons of Indian blood being hereby removed; and all such conveyances shall hereafter be subject to the approval of the Secretary of the Interior.

That the provisions hereof as to the sale of inherited lands by heirs of deceased allottees of the Citizen band of Pottawatomie Indians and Absentee Shawnee Indians are hereby extended and made applicable to the heirs of allottees of the Peoria and Miami Indians, who were authorized by the act approved June 7, 1897, to sell a portion of their lands.

Mr. COCKRELL. I should like to have section 7 reserved for the present.

Mr. THURSTON. The question of striking out section 7 the Senator desires to have reserved for the present. I have no objection to that.

The PRESIDENT pro tempore. It will be passed over. The reading of the bill has been concluded. Does the Senator desire to go back to the committee amendments which have been passed over?

Mr. COCKRELL. Are there any more committee amendments?

Mr. THURSTON. I believe that concludes all of the recommendations of the committee in the way of amendments.

The PRESIDENT pro tempore. The committee amendments on page 5 were reserved.

Mr. THURSTON. Yes.

Mr. COCKRELL. I wish to recur to the committee amendment on page 23, which was reserved. From line 9, on page 23, down to the bottom of the page and over on page 24, down to the end of line 9, is the House provision. The Senate committee has recommended that it be stricken out, and I hope it will not be agreed to. I suppose the better way would be for me to offer my amendment to the text. I want a part of the text to stand. I move to strike out all after the word "Provided," in line 15, page 23, to the end of that clause, at the end of line 9, on page 24.

Mr. THURSTON. Do I understand the Senator desires that we disagree to the committee recommendation as to striking out down to the proviso? The Senator wishes it to stand down to the proviso?

Mr. COCKRELL. Yes; down to the proviso. Whichever is the more formal way. I thought I would offer an amendment to strike out that part and substitute for it and then disagree to the first part. The amendment I offer is the law of last year. It strikes me that the way I have suggested is the better way.

The PRESIDENT pro tempore. It is entirely in order. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to strike out, beginning with the first proviso, in line 15 on page 23, all of the bill down to and including the word "buildings," in line 9 on page 24, and insert:

That all chattel mortgages executed in the Quapaw Agency, in the northern district of the Indian Territory, shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory or his duly appointed deputy in a book or books kept for the purpose: *Provided*, That the amount of money appropriated for pay of a physician and to maintain the schools in the Quapaw Reservation shall not be diminished during the fiscal year 1901.

Mr. COCKRELL. That simply provides a place which has heretofore been provided where chattel mortgages can be recorded and be a notice to subsequent purchasers, and then the provision is that the pay for the physician and the schools shall not be diminished.

Mr. PLATT of Connecticut. Is there a clause in this bill to pay for a physician and the schools?

Mr. COCKRELL. Yes; it is in the general provision. This provides that it shall not be diminished. That is the only proviso there.

Mr. PLATT of Connecticut. I do not understand this. Where in the bill is the provision for the pay of a physician to the Quapaws?

Mr. COCKRELL. There is a physician to almost every Indian agency. There has been one there ever since I have known anything about it. The provision is in the existing bill, and all that this does is to provide that the amount shall not be diminished for that and for the education there.

Mr. JONES of Arkansas. What is that?

Mr. COCKRELL. I was just simply stating that there is a physician at almost every reservation.

Mr. PLATT of Connecticut. I do not think there is any provision in this bill for the pay of a physician there. There may be.

Mr. COCKRELL. I tell the Senator, and the records will show, that in the very language of this bill there will not be less than thirty physicians to Indian agencies. They have been from time immemorial, and they are paid for in this way.

Mr. PLATT of Connecticut. The Senator does not understand me. I think there is no specific provision in this bill as it stands for the pay of a physician to the Quapaw Agency. Is there?

Mr. COCKRELL. There is not in this bill; but it is already regulated and they have a fixed salary, and this simply leaves that salary so that there shall be no diminution of the provision for it at that agency. I think it is about a thousand dollars. My recollection is not clear. I do not think any physician gets over \$1,200. That is my recollection.

Mr. GALLINGER. They average about a thousand dollars a year I should say.

Mr. COCKRELL. They average about a thousand dollars. I do not think anyone gets over \$1,200, unless it has been increased recently.

Mr. PLATT of Connecticut. I am not going to say very much about this amendment, because it brings up a matter which the committee has had no opportunity to consider; but this is true: I think that at this Quapaw Agency the Indians are just as thoroughly civilized as any American citizens are, and are living like American citizens, and they ought to be able to take care of themselves, and are able to take care of themselves just as much as white people in any portion of the rural or agricultural part of the United States. The committee, as I understood, thought there was no longer any necessity for treating them as Indians.

Mr. JONES of Arkansas. My recollection of what the Commissioner stated—I do not think I am mistaken about it—is that there is no occasion for maintaining the agent at the Quapaw Agency. These people all have their lands in severalty. They live on their several homes, just as people in other sections of the country do, but there are certain treaty agreements which we, at least for the time being, must carry out; for instance, keeping a blacksmith and carpenter in that country. There may be also a provision about the physician. I am not so sure about that. But the statement made by the Commissioner to the committee was that of the general fund—they having a large general fund for educational purposes and a large general fund for employees—provision could be made for these schools, just as it would be if this special provision were made; that there would be no difference whatever in any of the employees on the Quapaw Reservation and no difference whatever in the schools, both being provided for out of the general fund instead of a specific fund.

This is the only change made, except that he proposes to discontinue the agent. He said there is no occasion whatever for keeping an agent there; that the duties performed by him could be just as well and better and more cheaply performed by a special agent of the Indian Office. There is to be no diminution in the number of offices. There is to be no diminution in the amount of money used for schools, the only change being instead of there being a special appropriation in the bill for these two things they are provided for out of the two general items of employees for the Department and the general provision for schools.

I was sure this was the fact. My recollection was the same, and since this debate came up I went to the telephone and called up the Commissioner of Indian Affairs, and was assured by him within a very few minutes that that was what he stated to the committee and what would be done by the Department.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri. [Putting the question.] The yeas appear to have it.

Mr. COCKRELL. I shall have to ask for the yeas and nays on the amendment.

Mr. JONES of Arkansas. What is the amendment?

Mr. ALLISON. Will not the Senator from Missouri—

Mr. COCKRELL. I want to have it decided now. It may as well be decided at one time as at another. Let the amendment be read. The Senator from Arkansas wants to know what it is.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. After the word "dollars," in line 15, page 23, it is proposed to agree to the committee amendment striking out all of the bill down to the end of the paragraph, in line 9, page 24, and to insert in lieu thereof the following:

That all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory or his duly appointed deputy in a book or books kept for the purpose: *Provided*, That the amount of money appropriated for pay of a physician and to maintain the schools in the Quapaw Reservation shall not be diminished during the fiscal year 1901.

Mr. COCKRELL. That provision is recommended and endorsed by the Commissioner of Indian Affairs, as has just been stated by the Senator from Arkansas. The latter part of it is exactly the provision that was in the act last year.

Mr. PLATT of Connecticut. Is not that the law now without reenactment?

Mr. COCKRELL. No, sir; it is not.

Mr. PLATT of Connecticut. Why not?

Mr. COCKRELL. Because the provisions contained in an appropriation act expire with the expiration of the year for which they are made unless you put the word "hereafter" in the provision.

Mr. PLATT of Connecticut. Sometimes they do—

Mr. COCKRELL. That is the universal rule.

Mr. PLATT of Connecticut. And sometimes they do not.

Mr. COCKRELL. Unless you insert in the provision the word "hereafter," the provisions all expire with the expiration of the fiscal year for which they are made.

Mr. PLATT of Connecticut. It is not worth contending about; but if a piece of legislation is put into an appropriation bill which has not anything to do with the appropriation of money, in my judgment it does not expire with the end of the year. But it is not worth contending about.

Mr. COCKRELL. My proposition is—turning to page 23—to strike out after the words "five hundred dollars," in line 15. Leave the prior provision in the bill. Then that provision and the amendment I propose will read as follows:

QUAPAWS.

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, \$1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, \$500; in all, \$1,500.

Now, that is verbatim the language of the law of March 1, 1899. The act of 1899 has in it this further provision as it is in my amendment:

That all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose.

That is the exact language of the amendment I have offered, and I therefore simply move to reinstate the exact language that was used in the last appropriation act and then to add to it the words which will be read from the desk.

Mr. PLATT of Connecticut. So far as the amendment is concerned reenacting the language of the last appropriation act, we could agree, although I think it is entirely unnecessary. So far as that is concerned, if the amendment could be divided, I should have no objection to it, although I think it is unnecessary.

Mr. COCKRELL. Now let the other proviso be read.

The Secretary read as follows:

Provided, That the amount of money appropriated for pay of a physician and to maintain the schools in the Quapaw Reservation shall not be diminished during the fiscal year 1901.

Mr. COCKRELL. That is simply to do just exactly what the Commissioner of Indian Affairs says should be done.

Mr. JONES of Arkansas. I do not know whether or not there is a physician there.

Mr. COCKRELL. If there is none, he will get no pay. This does not create the office of physician there in any shape, manner, or form. It says that the expenditure for the physician shall not be decreased and that the expenditure for the schools shall not be decreased. That is all there is about it.

Mr. PLATT of Connecticut. Will the Secretary again read the latter portion of the amendment?

The Secretary read as follows:

Provided, That the amount of money appropriated for pay of a physician and to maintain the schools in the Quapaw Reservation shall not be diminished during the fiscal year 1901.

Mr. PLATT of Connecticut. I do not understand that there is any appropriation in this bill or that there was in the last act for the pay of a physician at that agency. There may be, but if there is, I do not know where it is; and therefore that is entirely unnecessary. By the treaty of 1833 it is provided:

The United States also agrees to appropriate \$1,000 per year for education purposes, to be expended under the direction of the President of the United States.

And it also provides:

That the farmer and the blacksmith and the above appropriation for education purposes be continued only as long as the President of the United States deems necessary for the best interests of the Indians.

We propose to strike out all of the provision about—

Mr. COCKRELL. About what? It is all in the discretion of the President.

Mr. PLATT of Connecticut. "Blacksmith and assistants, and tools, iron, and steel for blacksmith shop," and "for education during the pleasure of the President." Those appropriations, in the judgment of the committee and the judgment of the Commissioner, have become unnecessary. These people are just as well able to take care of themselves as people in the town of Little Rock or any town in the State of Connecticut or in the United States, and there is really no reason why this gratuity to them should go on any longer.

Mr. COCKRELL. Just one word. I do happen to know a little about this Indian agency. Here is the southern boundary of Arkansas, and here comes the western boundary of Missouri, and that agency is right in the angle adjoining Kansas on the north and Missouri on the east. The agency at the Quapaw Reservation has been practically at Seneca, a town in Missouri, just at the line.

There are nine tribes of Indians in that reservation. They are small bands of Indians; some of them are very intelligent and capable of taking care of themselves, and others are not. The agent at that agency for years and years has had the supervision of the contracts, and he has repudiated or rejected or refused to confirm a number of contracts for the sale of land. Only recently we had a case. One of my constituents there thought he had been mistreated by this Indian agent, and made complaints against him. He had an interest in land, and there was a controversy

about who should get the contract, and the Indian agent had disapproved of the lease of the Missourian and he had also disapproved of the lease of another man who was contesting the claim. Upon application he sent an agent there. That agent investigated and returned and reported that both of the leases should be rejected, and that one of them had been obtained by the party going to the Indian chiefs and representatives and giving them \$2.50 and \$5, and getting the lease in that way—a valuable mineral lease.

Now, if that agent had not been there and those facts developed, those Indian lands would have been taken for a mere song, simply by purchase; and yet the Senator says they are as capable of taking care of themselves as anybody else. If he knew the conditions existing there, and how already some of these Indians have been swindled out of their lands—lands worth fifteen or twenty dollars an acre, being bought at five and eight and ten dollars an acre—he would not think that they were just as capable of taking care of themselves as he is of taking care of himself.

The Senator, if he will take any of the reports of the Commissioner of Indian Affairs, will see, and I am astonished that the Senator did not perceive that point, that they have had Indian agents from time immemorial, and he can not find in any Indian bill a mention of it, and yet the money has been appropriated. As every Senator living near where Indian nations are knows, there is a general appropriation from which the salaries are paid, and they are fixed from year to year by the Commissioner of Indian Affairs. There is a physician at the Quapaw Indian Agency, and there has been for years. The Senator can not deny it. If he will look at the list he will see that there has been a physician there at \$1,000 for years and years, as there have been at many other agencies.

All we ask in this matter is that the law of 1899, for the fiscal year 1900, may be reenacted in this clause and that there shall be no diminution of the amount paid the physician. If nothing is paid him, there will be nothing paid to him. The provision does not authorize anything to be paid to him. There is not an appropriation in the provision at all. It simply provides that there shall be no diminution of it. I ask that the amendment may be agreed to.

Mr. JONES of Arkansas. It seems to me the committee had better recede from its amendment and take the law as it stood before than to agree to the amendment proposed by the Senator from Missouri. In the treaty made with the Quapaws some years ago there is a provision that, at the pleasure of the President, certain things should be done among the Quapaws. That has been repeated time and again. The Senator from Missouri now proposes, if I understand his amendment properly, to forbid that there shall be any reduction at all of this amount that we are paying at the pleasure of the President. The President may conclude there is no necessity for paying this money; he may conclude that there is no occasion for any of this appropriation to be used; but if the amendment of the Senator from Missouri is adopted, he must pay the money anyway, whether he thinks it is unwise or not.

I think it is much better to get back to the old law and leave the matter absolutely within the discretion of the President than to go a step further than any other Indian appropriation bill has ever gone and provide positively that these sums of money shall be paid.

Mr. COCKRELL. I will amend the amendment by leaving out the proviso.

The PRESIDENT pro tempore. The Senator from Missouri modifies his amendment. It will be stated as modified.

The Secretary read as follows:

That all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose.

Mr. COCKRELL. That will come in after the word "dollars," in line 15, page 23. Now read the clause as it will read if the amendment is agreed to and the pending committee amendment rejected.

The Secretary read as follows:

QUAPAWS.

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, \$1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, \$500; in all, \$1,500. That all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose.

Mr. THURSTON. If that amendment is to prevail, I desire to have it amended in line 10, in accordance with the language which we have used in other similar cases in the bill, by striking out "during the pleasure of" and inserting "if directed by," so that it will read:

For education, if directed by the President of the United States.

I will say to the Senator that we have changed this language all through the bill in the case of appropriations carrying out similar provisions; and for this reason: If we leave the language "during the pleasure of the President," the matter will be over-

looked and many of these appropriations may continue for years and years after all necessity for them has passed, while if we require the President to take affirmative action before the appropriations are expended, the matter will be considered and investigated and passed upon by him.

Mr. COCKRELL. I had not observed that language in any other provision.

Mr. JONES of Arkansas. It is in all of them.

Mr. THURSTON. I will state to the Senator that we have changed the House provision in that respect in all places where that phraseology occurs.

Mr. JONES of Arkansas. Every one of them.

Mr. THURSTON. I will call the Senator's attention to one or two in a moment.

Mr. PERKINS. There is one at the top of page 12.

Mr. THURSTON. At the bottom of page 11 we strike out, in the appropriation for the Chippewas, "during the pleasure of the President" and at the top of page 12 we insert "if directed by the President." There are one or two other amendments of the same character in the bill.

Mr. COCKRELL. The Senator moves that as an amendment?

Mr. THURSTON. Yes.

Mr. COCKRELL. Let the amendment be acted upon, then.

The PRESIDENT pro tempore. The Senator from Nebraska moves to amend the amendment offered by the Senator from Missouri as will be read by the Secretary.

The SECRETARY. By striking out, in line 10, on page 23, the words "during the pleasure of" and inserting "if directed by," so as to read:

For education, if directed by the President, per third article of treaty, etc.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the amendment offered by the Senator from Missouri to the clause.

Mr. PLATT of Connecticut. I understand that the proposed amendment is to strike out all after the first paragraph.

Mr. COCKRELL. The proviso.

Mr. PLATT of Connecticut. And to insert what the Secretary last read.

Mr. COCKRELL. To insert that one provision about the recording of deeds.

Mr. PLATT of Connecticut. I have no objection.

Mr. COCKRELL. And then to disagree to the first part of the amendment as amended on the motion of the Senator from Nebraska.

Mr. JONES of Arkansas. If the Senator wishes to insert that, why not put such language in it as will make it permanent? I understand this enactment of law is made from year to year by this appropriation bill. It seems to me it ought not to be kept always in the Indian appropriation bill, and if we are going to provide for the recording of deeds in the Quapaw Agency, why not put it in such shape as not to make it necessary to insert the provision in every appropriation bill that comes hereafter?

Mr. COCKRELL. The only reason was that the Committee on Indian Affairs had, I understood, made a rule that they would exclude all legislation, and therefore we had to be content with the annual provision. I got that information from the distinguished Senator from Arkansas.

Mr. JONES of Arkansas. The rules of the Senate exclude all legislation from appropriation bills. I thought my learned friend from Missouri had known that for a great many years.

It was simply proposed in the Indian Affairs Committee to follow the rules of the Senate and to keep legislation off of this appropriation bill; but when the Senator from Missouri insists that we shall violate the rules of the Senate and the order of the committee and put legislation in the appropriation bill, I think it had better be made so as to make it permanent and not have to repeat it every time we pass an Indian appropriation bill.

Mr. COCKRELL. I have no objection to putting it in. I think that is a very good suggestion on the part of the Senator.

Mr. PLATT of Connecticut. Let the proviso proposed to be inserted be read again.

The PRESIDENT pro tempore. The proviso will be again read.

The SECRETARY. Insert after the word "dollars," in line 15, page 23—

Mr. THURSTON. Let us first strike out the proviso in the bill and get rid of that, and then let us disagree to the committee amendment striking out the first part of the paragraph. Then we can act on the amendment of the Senator from Missouri.

Mr. JONES of Arkansas (to Mr. COCKRELL). That is what you want to do.

Mr. COCKRELL. That is exactly what I want to do. The other, I thought, was the more correct way, but I have no objection to the course proposed. I ask, then, that we strike out all after the word "Provided," including the word "Provided."

The PRESIDENT pro tempore. The question, then, is on agreeing to the committee amendment striking out all of the paragraph from the word "Provided," in line 15.

Mr. COCKRELL. Yes.

The amendment was agreed to.

Mr. COCKRELL. Now, I move to amend the other provision by the insertion of the clause which has been read.

Mr. THURSTON. Now, let the committee amendment be disagreed to, striking out the first part.

Mr. COCKRELL. Well, let the committee amendment be disagreed to.

The PRESIDENT pro tempore. Without objection, the committee amendment from line 10, striking out the words down to and including the word "Provided," in line 15, is disagreed to.

Mr. JONES of Arkansas. Not including the word "Provided."

Mr. PLATT of Connecticut. Not including the word "Provided."

Mr. THURSTON. The first lines of the section.

Mr. JONES of Arkansas. Down to and including the word "dollars," in line 15.

Mr. THURSTON. The first clause of the paragraph will now stand as amended by me in the first line.

The PRESIDENT pro tempore. The amendment has already been made which the Senator offered touching the President.

Mr. THURSTON. Now, as far as the amendment of the Senator from Missouri is concerned, I have no especial objection to its being adopted, although I must insist upon the proposition that a matter of general legislation, whether included in an appropriation bill or found in any other act of Congress, is a continuing act and requires no reenactment, and it lasts until it is repealed.

Mr. COCKRELL. Unfortunately, we have thought that in many instances in the Appropriations Committee, and the courts of the country have decided that the provision fell with the expenditure of the money. There have been recent cases of that kind. That is the reason why I wanted this put so that there would be no uncertainty about it.

Mr. THURSTON. That would be true with respect to any provision coupled with the appropriation of money; but this is a separate and distinct piece of legislation, having no relation whatever to any item of appropriation.

Mr. COCKRELL. Let it go in now and then there can be no question. If the Senator is right, no harm will be done.

Mr. PLATT of Connecticut. And let the word "hereafter" be inserted, so that we shall not have any further trouble with it.

The PRESIDENT pro tempore. The Senator from Connecticut moves to amend the amendment offered by the Senator from Missouri by inserting the word "hereafter." The amendment to the amendment will be stated.

The SECRETARY. Insert, after the word "that," the word "hereafter;" so as to read:

That hereafter all chattel mortgages executed in the Quapaw agency, etc. The PRESIDENT pro tempore. Will the Senate agree to the same?

The amendment to the amendment was agreed to.

Mr. PLATT of Connecticut. I understand that the text of the first portion of this article or section or paragraph has been amended upon the motion of the Senator from Nebraska.

Mr. THURSTON. It has.

Mr. PLATT of Connecticut. I understand that we disagreed to the committee recommendation striking out that clause. I do not know whether that question has been put.

The PRESIDENT pro tempore. Perhaps it would be as well for the Secretary to read to the Senate the section or clause as it now stands.

Mr. PLATT of Connecticut. Very well, beginning in line 10.

The PRESIDENT pro tempore. Beginning in line 10.

The Secretary read as follows:

For education, if directed by the President, per third article of the treaty of May 13, 1833, \$1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty \$500; in all, \$1,500.

Mr. PLATT of Connecticut. I should like to insert, after the word "treaty," in line 14, the words "if approved by the President," or "if directed by the President;" otherwise what is already in will apply only to education.

Mr. THURSTON. I think that is proper.

The PRESIDENT pro tempore. The Senator from Connecticut moves to insert words which will be read.

Mr. COCKRELL. Does not the clause that the Senator has already inserted apply to the whole provision? I understood the Senator from Connecticut to take that position a few moments ago.

Mr. PLATT of Connecticut. Apparently it does not.

Mr. COCKRELL. I supposed the whole thing was in the discretion of the President, to be done as the President directed.

Mr. THURSTON. The Senator's amendment is to make it clear that the action of the President applies to the whole clause.

Mr. COCKRELL. Then I shall move to insert it at every other place. We ought to treat all alike. If it is necessary here, it is necessary in all other places. If it has got to go in here, I want it to go in other places.

Mr. PLATT of Connecticut. We have put it in in other places, wherever it depends on the pleasure of the President.

Mr. COCKRELL. I do not find that in any of these places. It is all to be done if directed by the President. Now, let us have "if directed by the President," and "if approved by the President," put in all of them.

Mr. PLATT of Connecticut. That is not my motion.

Mr. COCKRELL. That is the effect of your motion. You put in, in the beginning, "if directed by the President," and then you propose to put at the end "if approved by the President."

Mr. PLATT of Connecticut. The Senator is mistaken.

Mr. COCKRELL. What amendment did the Senator offer?

Mr. PLATT of Connecticut. "If directed by the President" is what I proposed.

Mr. COCKRELL. That is already in.

Mr. PLATT of Connecticut. Not as to blacksmiths; not as to tools and iron and steel and the blacksmith shop. If the Senator will read the language he will see that it refers only to education, when it ought to refer to the whole matter.

Mr. COCKRELL. I have no objection if you put that in like it was at the other places instead of putting it right after the words "for education." I do not remember the treaty. I should like to ask the Senator from Arkansas as to whether those things depend on the President.

Mr. PLATT of Connecticut. Here is the treaty; I read it a little while ago.

Mr. JONES of Arkansas. That is the language of the treaty.

Mr. PLATT of Connecticut. The treaty provides that—

The United States also agrees to appropriate \$1,000 a year for educational purposes, to be expended under the direction of the President.

That is after the provision for the farmer and blacksmith, etc. Then it proceeds:

And the above appropriation for educational purposes to be continued only so long as the President of the United States deems necessary for the best interests of the Indians.

Mr. COCKRELL. Then transpose the words "if directed by the President," inserted by the Senator from Nebraska, and put them after the word "dollars," so that it will apply to the whole provision.

Mr. PLATT of Connecticut. All right.

Mr. THURSTON. That will be all right.

Mr. COCKRELL. That makes it all right.

The PRESIDENT pro tempore. The Secretary will read the clause as now modified.

The Secretary read as follows:

For education, per third article of treaty of May 13, 1833, \$1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, \$500, in all, \$1,500, if directed by the President.

Mr. THURSTON. That is right.

Mr. ALLISON. Mr. President, I ask the Senator from Nebraska in charge of the bill—

Mr. COCKRELL. The word "hereafter" is inserted in the other provision?

The PRESIDENT pro tempore. It is. Without objection, the amendment will be agreed to as modified.

Mr. ALLISON. If this particular amendment is disposed of, I ask the Senator in charge of the bill, the chairman of the committee, to turn to page 5, that I may ask that the amendment in line 9 on that page may be disposed of.

Mr. THURSTON. That amendment was passed over. It has not been acted on.

Mr. ALLISON. It is one of the amendments passed over. I ask that it may be disposed of now and disagreed to. That agency, to my knowledge, is a very important one and essential to the Indians.

Mr. COCKRELL. At what page is that?

Mr. ALLISON. On page 5, line 9.

The PRESIDENT pro tempore. The Secretary will read the amendment of the committee.

The SECRETARY. The committee report, on page 5, to strike out line 9, in the following words:

At the Sac and Fox Agency, Iowa, \$1,000.

Mr. PLATT of Connecticut. I suppose that that is going to be done with all these amendments where we tried to diminish—

Mr. TELLER. That is what I am going to move to do.

Mr. PLATT of Connecticut. We tried to diminish the agencies where we thought they were no longer necessary. I suppose they might as well be all treated alike. If you get an Indian agency and an Indian agent, it is just next to impossible ever to dispense with one.

Mr. ALLISON. I am glad that the Senator from Connecticut concurs with my view respecting this particular agency; but I wish to say to those in charge of the bill that there is no agency provided for in the bill of more importance than the one I ask may be retained.

Mr. THURSTON. Mr. President, I should like to say upon this subject that the three agencies which the committee propose to dispense with are proposed to be dispensed with upon the statement of the Commissioner of Indian Affairs that agents at those points are no longer necessary; but so far as I am concerned, when a Senator of the State where an agency is located stands upon the floor of the Senate and, in view of the information he ought to be in possession of locally, states that in his judgment the agency is necessary, I certainly shall not stand in the way of continuing the appropriation.

Mr. TELLER. I was about to move what the Senator from Connecticut [Mr. PLATT] agrees must take place, that all these agencies shall be retained. I should like to have any Senator take up the report of the Indian agent in the Quapaw Agency. I do not believe any Senator here after reading it will agree with the Commissioner that there is a condition at the Quapaw Agency that justifies the abandonment of the agent.

He is needed there. He is needed at every agency wherever we have had an agent, unless the Indians have died out. You still need Indian agents. They deal directly with the Government. It is the only way that the Indian has to reach the Government proper, and particularly in sections of the country like the Quapaw Agency, where they are selling their land, I am sorry to say, and are allowed to do so when the Government approves of the sale. The only way the Secretary of the Interior will get any information is through some resident agent that will justify him in either approving or disapproving of an attempted sale of land. I think it is very important, and it is worth a great deal more than the small amount paid to the agent. I do not know myself of any agency in the United States that I think ought to be discontinued at the present time, and I am sorry to say that I do not believe you can discontinue them for a good many years to come.

Mr. JONES of Arkansas. The Commissioner of Indian Affairs was before the committee and stated that there was no earthly use for these three agencies; that there was nothing for the agents to do except to pay out the small amount of money sometimes, which could be better paid by an agent sent specially for the purpose, and which could be paid out more economically to the Government in that way; and that there was no reason why these agencies should be continued. That is the reason why I, on the committee, voted that these agents should be dropped out, and that is the reason why I would like to see it done now.

So far as the sale of land at the Quapaw Agency is concerned, I confess I know nothing about the facts. I suppose those sales can only take place with the approval of the Secretary of the Interior. I do not know.

Mr. TELLER. That is the fact.

Mr. JONES of Arkansas. Then it would be the duty of the Secretary of the Interior to have a matter of that sort fairly investigated whenever a proposition is made to sell land, and I see no reason why we should have a man present to facilitate the Indians in getting rid of their lands. It would make no difference to me if there was a considerable amount of delay and embarrassment in every application on the part of an Indian to sell a part of his homestead. If it took a special application made to the Interior Department and a man had to be sent down to look after it before it could be done, I think that the delay would be more likely to be productive of justice than injustice; and that it is not necessary to keep a man with a salary down there for the purpose of recommending to the Secretary of the Interior that he shall approve the sales that are contemplated by certain Indians. There seems to be nothing else for the Indian agent to do except that.

Mr. TELLER. The Senator from Arkansas assumes that I want to facilitate the disposal of land. Mr. President, I want to keep that agent there to prevent that very thing from being done. That is what I want the agent there for. If he is the right kind of a man, he will prevent it to a large extent; and he will see that the Indian who is going to sell his land gets what it is worth, which in ninety-nine cases out of a hundred he never does, unless there is some one there. You may send just as many special agents as you please; they have no interest in the Indian. A proper agent gets to have an interest in those people, if he is the right man. I think if the Senator will read the report of the agent at the Quapaw Agency, he will see that the agent is a desirable man to keep there, and that there is as much necessity for him now as there was ten or fifteen years ago.

Now, Mr. President, \$1,400 is what we pay to the Quapaw agent. If there were 40 or 50 deeds sent up to the Department and every time a deed came to the Department a special agent had to be sent, it would cost five times that amount before we get through with it. The cheapest thing possible is to keep an agent there, and if the right men are appointed, which I am sorry to say is not always the case, the agent will be a protection to the Indian not only in that particular but in many others.

Mr. PLATT of Connecticut. Now, Mr. President, all that necessary work for the Indian, if this agent is dispensed with, will be performed by the superintendent of the school there. That is in the

bill; and that is why the Commissioner of Indian Affairs says that he can dispense with agents at these agencies. It is because the duties of the agents can as well be performed by the superintendent. It is provided here in the bill—

That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency whenever, in his judgment, such superintendent can properly perform the duties of such agency.

Mr. ALLISON. On what page is that found?

Mr. PLATT of Connecticut. That is on page 6. We have a training school here in this agency; I think there are two or three industrial schools; and while, of course, I do not propose to contend when Senators come and insist that the agents must be retained, I do want to justify, as far as I may, the opinion of the Commissioner of Indian Affairs that there is no earthly use in keeping them.

Mr. ALLISON. I have no doubt the Commissioner of Indian Affairs in his testimony before the committee suggested that the agent for the Sac and Fox Indians in Iowa could be dispensed with and that the duties of that agent could be transferred to the superintendent of schools there.

Mr. COCKRELL. I should like to find it. I find here "Indian appropriation bill, Senate Document 227," report of hearings before the subcommittee of the Committee on Indian Affairs of the United States Senate in the consideration of this bill. I can not find any recommendation in the testimony by the Commissioner of Indian Affairs for the discontinuance of any one of these agents.

Mr. THURSTON. There were many matters upon which we asked the personal advice of the Commissioner of Indian Affairs, who was with us at our sittings, that were not in any manner reported and do not appear in the hearings.

Mr. ALLISON. The Commissioner of Indian Affairs had that opinion, I have no doubt, when he appeared before the committee; but I am able to state that on further investigation the Commissioner of Indian Affairs has changed his mind upon that subject. I will not detain the Senate by stating the condition of the Sac and Fox Indians in Iowa. I hope the amendment will be disagreed to, and then I desire to offer another amendment relating to the same Indians. Has the amendment been agreed to?

The PRESIDENT pro tempore. The question is on agreeing to the committee's amendment striking out line 9.

Mr. ALLISON. I hope it will be disagreed to.

The amendment was rejected.

Mr. ALLISON. Now I am going to offer another amendment.

Mr. PETTIGREW. Let us dispose of the other two agencies.

Mr. THURSTON. Mr. President, the same argument needs to be made in favor of all three Indian agencies that has been made in regard to the one in Iowa, and I believe in being fair all around.

Mr. ALLISON. I quite agree with the Senator.

Mr. THURSTON. Having disagreed to the committee amendment as to one, as far as I am concerned, I do not intend to insist on the other provisions being stricken from the bill.

Mr. JONES of Arkansas. I hope, Mr. President, if it is established, as it seems to be by the action of the Senate, that the fact that an Indian agent has nothing to do is not a sufficient reason for abolishing an agency, that the same rule shall apply to all and that all shall be treated alike.

Mr. ALLISON. That fact has not yet been established; and if it is to be discussed here, it will take some time to establish it.

Mr. JONES of Arkansas. The Commissioner of Indian Affairs did state—

Mr. TELLER. I want to say—

Mr. CULLOM. I should like to ask the Senator from Iowa—
The PRESIDENT pro tempore. The Senator from Arkansas [Mr. JONES] has the floor.

Mr. JONES of Arkansas. I yield to the Senator from Illinois.
Mr. CULLOM. I simply wanted to inquire of the Senator from Iowa, who states that he has seen the Commissioner of Indian Affairs since this testimony was given—

Mr. ALLISON. I have not seen him, and I have not made that statement.

Mr. CULLOM. But you have heard from him.

Mr. ALLISON. I have heard from him, but I have not seen him.

Mr. CULLOM. What I want to know is whether he thinks the provision should be reinstated in the bill?

Mr. ALLISON. I do not know what his view is as respects that.

Mr. CULLOM. We ought to get rid of officials who are not needed.

Mr. ALLISON. I ask that this amendment may be disagreed to.

Mr. THURSTON. I think all of these three agencies ought to stand on the same footing. From what we heard in committee, I believe there is just as much reason for retaining all three as for retaining any one. Therefore I am willing now that the committee amendment as to the Quapaw Agency and Sisseton Agency may be disagreed to.

The PRESIDENT pro tempore. Will the Senate agree to the amendment on page 5, striking out the provision for the Quapaw Agency, Ind. T.?

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. The amendment is disagreed to. Will the Senate agree to the committee amendment on page 5, striking out lines 20 and 21, providing for the Sisseton Agency, S. Dak., at \$1,500?

The amendment was rejected.

Mr. TELLER. Is there another amendment relating to the subject of Indian agencies?

The PRESIDENT pro tempore. The three amendments on this subject have been disagreed to.

Mr. TELLER. I merely want to say a word in reply to the Senator from Arkansas [Mr. JONES].

Mr. THURSTON. Will the Senator permit me a moment?

Mr. TELLER. In one minute.

The Senator from Arkansas said, when it is proved that there is nothing for an agent to do, we ought to get rid of him. I understand that. I do not care anything about the personnel of these officials. There are none of them in whom I am interested. They do not even belong to my political party.

Mr. JONES of Arkansas. I am sorry, Mr. President—

Mr. TELLER. I know as much about this question, perhaps, as the Commissioner of Indian Affairs; I think I do, after my long service and my somewhat intimate acquaintance with those people. I know enough about the Indians of this country to know that there is no considerable body of them that do not need the kindly care of this Government, and who do not need somebody to see that they are not defrauded of their rights and imposed upon. There is not a single tribe of them that does not need such a relation between them and the Government as a decent agent furnishes.

I do not take this position, Mr. President, because I want to give somebody a place, but because I am familiar with what has happened under a system that I stood here day after day and protested against fifteen or eighteen years ago when it was entered upon—a system of allotment giving to these people lands in fee. I knew then, as I said then, and I know now, that unless the Government gives careful attention to it, just as soon as the Indians can get rid of their lands they will be landless tribes, no matter where they live.

Mr. JONES of Arkansas. I am sorry the Senator from Colorado took offense at what I stated. The Commissioner of Indian Affairs came before the Committee on Indian Affairs and stated that no agents were needed at these three agencies, and he stated the reasons why they were not needed.

Mr. ALLISON. Did not the Commissioner of Indian Affairs expect that the duties of the agents would be performed by the superintendents of the schools?

Mr. JONES of Arkansas. Certain duties.

Mr. ALLISON. And was not that the reason he gave why there was no necessity for these agents?

Mr. JONES of Arkansas. Yes, sir; certain duties that were required, which would take but little time, were to be performed by the superintendent of the school, as, for instance, the recommendation as to whether a sale of land should be ratified or not. It seems to me to be hardly necessary to keep a man on an annual salary at the Quapaw Agency to report to the Secretary of the Interior occasionally as to the price of land which might be disposed of now and then; but still, I am perfectly willing the Senate shall settle the matter as it pleases.

Mr. THURSTON. The number of agents should be changed in the bill. I move, on page 2, line 2, to strike out the word "fifty" and insert "fifty-three;" so as to read:

For pay of 53 agents of Indian affairs, etc.

The amendment was agreed to.

Mr. ALLISON. I offer the amendment which I send to the desk, to be inserted after line 8, on page 65.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 65, line 8, after the word "dollars," it is proposed to add the following proviso:

Provided, That the Commissioner of Indian Affairs is hereby authorized and directed to place in said school, established for their benefit, such children of the Sac and Fox tribe of Indians in Iowa, without the consent of parents or other persons, as in his discretion should be compelled to attend school: And provided further, That the Secretary of the Interior is directed to pay to Push e ten neke gue, head chief of the Sacs and Foxes of the Mississippi Indians, located in the State of Iowa, \$500 per annum during the remainder of his natural life, beginning with and including the fiscal year 1900, in accordance with the terms of Article IV of the treaty proclaimed March 23, 1843.

Mr. ALLISON. The latter portion of the amendment relates to the chief of the Sacs and Foxes now with that portion of the tribe residing in Iowa. I have the article of the treaty before me, which I shall not take the time to read.

Mr. COCKRELL. If there is any agreement, I should like to hear it read.

Mr. ALLISON. Article IV is as follows:

It is agreed that each of the principal chiefs of the Sacs and Foxes shall hereafter receive the sum of \$500 annually out of the annuities payable to the tribe, to be used and expended by them for such purposes as they may think proper, with the approbation of the agent.

Mr. COCKRELL. Has that ever been done heretofore?

Mr. ALLISON. It is being done now as to two principal chiefs residing in the Indian Territory, but it has not been done hitherto as to the chief residing in Iowa.

Mr. PLATT of Connecticut. I should like to hear the amendment again read.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again read the amendment proposed by Mr. ALLISON.

Mr. PLATT of Connecticut. If that amendment is divisible, I wish to raise a point of order to the first part of it. The first part of it provides for compulsory Indian education; that the agent at a particular school shall be permitted to compel children to attend the school without the consent of their parents.

Mr. ALLISON. It does not give any power to the agent.

Mr. PLATT of Connecticut. I think it gives the power to the Commissioner of Indian Affairs. It is pure legislation, as it seems to me, and is open to a point of order. If it is, I wish to make it. I do not think the remaining portion of the amendment, which is for the fulfilling of a treaty stipulation, is open to a point of order.

The PRESIDENT pro tempore. The amendment is clearly divisible. On the point of order—

Mr. ALLISON. Before the Chair decides, I hope the Senator from Connecticut will withhold his point of order until I can have read a letter from the Commissioner of Indian Affairs. The amendment was prepared at the Indian Office and sent to me. After the letter has been read, if the point of order is insisted upon, I will yield to it.

Mr. THURSTON. I will say, in reference to the point of order against the proposed amendment, that the committee were unanimous in insisting that points of order should be made to any proposed legislation sought to be attached to this bill by amendment, and the members of the committee on the floor of the Senate feel in duty bound to interpose the point of order wherever it can properly be made.

Mr. ALLISON. I am very much obliged to the committee for suggesting that no legislation shall go upon this bill, but I do not understand this to be legislation. The paragraph to which I propose to attach this amendment is a paragraph appropriating \$14,025 for the support and education of children at the Sac and Fox Agency. I understand it to be not only a limit upon the appropriation, but a direction as respects the method of the appropriation. It is not a permanent statute, but simply a regulation respecting the Indians at a particular school.

Now I ask that that letter of the Commissioner of Indian Affairs may be read, and then if the committee make the point of order, and if the Senate shall rule that an amendment of this character is not in order, of course I shall submit to it.

The PRESIDENT pro tempore. The letter will be read in the absence of objection.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 30, 1900.

Hon. WILLIAM B. ALLISON,
United States Senate.

SIR: In the Indian appropriation act for the fiscal year 1897 there appeared an item of \$35,000 for the purchase of a site and the erection of the necessary buildings for an Indian school for the Sac and Fox Indians located near the city of Toledo, in Iowa. In pursuance of that authority, a site was secured near the city of Toledo and 4 or 5 miles distant from the reservation. The necessary buildings have been erected and are admirably adapted for a school of 75 to 100 pupils—about the scholastic population of the Iowa Sac and Fox Indians. The school was opened in October, 1898. The enrollment during the fiscal year 1899 was 49 pupils, with an average attendance of 30. The enrollment for the first two quarters of the present fiscal year was 48; average attendance, 42. The monthly report for February shows enrollment, 37; average attendance, 31.

As you are aware, the Indians living on the Iowa Sac and Fox Reservation are in as backward a state as when Columbus discovered America. They are doubtless further removed from civilization in habits, manners, and customs than any other tribe under the jurisdiction of this office. Their chiefs and headmen are bitterly opposed to the education of their children, knowing that education means the taking away of many of their own rights and privileges. The Superintendent of Indian Schools recently made a visit to this reservation, and she reports them to be in a state of squalor and savagery. This reservation is surrounded by the highest types of American civilization, almost in sight of two of the most thriving cities in the great State of Iowa. This office has made through its agent and superintendent the most strenuous efforts to induce these benighted Indians to patronize the school established by Congress for their own peculiar benefit.

Inspector McLaughlin was sent by the Secretary of the Interior for the purpose of persuading them to send their children to school, but his report indicates that he made no progress whatever in that direction. Both the present agent and his predecessor offered every legitimate inducement to persuade the parents and others to abandon their old-time prejudices and adopt the civilizing influences of a school for their children. After two years' efforts it seems that this Department is no nearer a solution of the problem than it was at the outset. And to complicate matters further, on December 23, 1899, in the matter of habeas corpus proceedings with reference

to an Indian girl who had been placed in this school, it was decided by the Federal court that this office was powerless through its representatives to continue this girl in the Sac and Fox school. The result of this decision has been to intensify the feeling of the nonprogressive element against the school.

Under the present policy of the Department and of Congress, as soon as the Indian has arrived at that state of advancement when he can be trusted, although partially, with his own material interests, he is urged to accept an allotment. The difficulty of teaching the old Indian, naturally conservative and averse to the white man's ways, the value of education with reference to that allotment is readily apparent. On the other hand, such a difficulty is not met with in the preparation of his child, and therefore I consider it as axiomatic that the duty of the Government requires, if necessary, its strong hand to force an ignorant parent to allow his child those advantages which will be not only of absolute benefit to himself, but also an element of safety to the perpetuity of its own institutions.

Many of the most enlightened States of this Union are required by the necessities of ignorant parents to enact compulsory school legislation. If such a course is necessary for the white parents, of how much more importance is it when dealing with a race of people sunk in savagery and hostile to their own best interests? Therefore I am of opinion that the Government can not prove recreant in its duty by permitting such a blot upon the State of Iowa as that which is comprised within the limits of this reservation, situated amidst civilization, enlightenment, and refinement. I am unable, therefore, to find a place where remedial measures are more absolutely necessary than in the case in point.

In relation to the Sac and Fox of Mississippi Indians in Iowa, and their attitude as above outlined toward the school at that place, the propriety of paying the head chief a pension of \$500 has been suggested. I find that the treaty with the Sacs and Foxes proclaimed March 23, 1843 (7 Stats., 597), has the following article.

Mr. ALLISON. Mr. President, I have already read the treaty provision, and it need not be again read. The Secretary has read the important portion of the letter.

From that letter will be seen the real position of the Indian children at the Sac and Fox Agency, numbering of the school age about 100. Those Indians, 400 in all, are in the midst of a densely populated region in my State, where they formerly roamed and had their chief station. They were removed by the United States first to Kansas and afterwards to the Indian Territory. A portion of them, with one of their principal chiefs, returned from Kansas to their old home in Iowa, and used a large portion of their annuities for the purpose of purchasing land in that State. They have lived there now for nearly forty years, certainly for thirty-five years, in their old home in Iowa. They purchased this land, amounting to 4,000 acres, in the midst of a rich agricultural country.

Their living there has been recognized not only by the Indian Department of the Government, but for many years they have received their per capita portion of the annuities granted to the Sacs and Foxes under the various treaties. They have had during all these years an agent. From the letter which has been read it will be seen that they are in need of an agent, if any Indian tribe in the United States is in need of one. The State of Iowa has no authority or control over them, having, at the request of the General Government, ceded to the United States its authority over that portion of the reservation of which these Indians have possession.

Mr. President, the Commissioner of Indian Affairs has stated the conditions there. The Government of the United States is the only Government that has any control over those Indians. As is stated in the letter which has been read, the district judge of the United States court, under a writ of habeas corpus, has declared that these Indians can do as they will without further legislation of Congress. Therefore, the Commissioner of Indian Affairs has asked that this legislation may be agreed to; it is legislation which will be executed in the discretion of the Commissioner of Indian Affairs, who is not likely to exercise it arbitrarily or unjustly.

I submit the matter to the Senate, if it is in order, and hope that it will be adopted so that we may see if it is possible to exert this mild influence over these Indians in the midst of this civilized region of Iowa to induce them to attend a school which has been prepared for them.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. PLATT] demanded a division of the amendment, and the Chair held that it was divisible.

Mr. ALLISON. I have no objection to that.

The PRESIDENT pro tempore. The Senator from Connecticut makes the point of order against the first clause of the amendment. Will the Senator state his point of order?

Mr. PLATT of Connecticut. The point of order is that the amendment is legislation.

Mr. ALLISON. Then I will modify the amendment by saying in the beginning of it "in the expenditure of the foregoing appropriation."

Mr. PLATT of Connecticut. I should like to know what the amendment now is.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. It is proposed, after the word "dollars," in line 8, on page 65, to insert the following:

Provided, That in the expenditure of the foregoing appropriation the Commissioner of Indian Affairs is hereby authorized and directed to place in said

school, established for their benefit, such children of the Sac and Fox tribe of Indians in Iowa, without the consent of parents or other persons, as, in his discretion, should be compelled to attend school.

Mr. PLATT of Connecticut. Mr. President, I do not think that that relieves the amendment from the point of order. It is not a condition or a limitation; it is not a condition under which the money is to be expended, nor a limitation upon the expenditure of the money. It does not provide that if the children do not attend the school the money is not to be paid. I think it is stretching very far what we have sometimes allowed to be done, putting conditions and limitations upon the expenditure of money. It is, not to use any offensive words, trying to get around the point of order by something that looks very much like a subterfuge.

But while I am on my feet I think I ought to say one word about the proposition that is contained here. This question of compulsory Indian education is a very large question. It has created a great deal of discussion and a good deal of disturbance among the Indian agencies of the country. If we are going to enact legislation providing for the compulsory education of the Indian children, we ought to do it with reference to the whole country and not with reference to a single school. This legislation is for a single school.

The PRESIDENT pro tempore rapped with his gavel.

Mr. PLATT of Connecticut. I am very much obliged to the President of the Senate for requiring order in the Chamber. I know the subject which I am speaking of now is not one in which Senators are interested—

Mr. JONES of Arkansas. It is impossible to hear what is going on in the Senate.

Mr. PLATT of Connecticut. Mr. President, I do not blame Senators for not being interested in this subject, although I wish they were interested in it.

As I was saying, this matter of compulsory Indian education is a very large subject. It has been claimed by some who have the interest of the Indians at heart that we ought to provide by general enactment that the Commissioner should have power to compel the Indian pupils to attend the Government schools without the consent of their parents. There have been some efforts made in that direction without law, and those efforts have resulted in serious disturbances, in which it has been found necessary, I think, to call out soldiers to repress the disturbances. Certainly a matter of this magnitude, and about which there is this division of opinion in the country, ought not to be applied to one single school in the United States, even if the amendment be in order.

There is one other view of this case that I should like to allude to. This is the first time that these appropriation bills have been considered by any committee except the Committee on Appropriations. Until this session all appropriation bills, including the Indian appropriation bill, have been considered by one committee; and you will remember, Mr. President, and other Senators will remember, the strenuous objection that has been made heretofore in this Chamber to taking away any of the appropriation bills from the Committee on Appropriations and giving them to the committees that have had charge of the particular subjects, like the Committee on Indian Affairs or the Committee on Military Affairs or the Committee on Naval Affairs, etc. The argument has always been that the other committees would not guard so carefully the appropriation bills as would the Committee on Appropriations, with its great experience and its great disposition to keep the appropriation bills within the limit of the rules; and I must confess, Mr. President, that it comes to me as a surprise, when this committee has insisted that nothing should go on the Indian appropriation bill except for the purpose of fulfilling treaty stipulations and carrying out the law, and it has managed to prune it so that practically no money is appropriated except for that purpose, that it should be the chairman of the Committee on Appropriations, who, without submitting his proposed amendment to the Committee on Indian Affairs, should come here and propose an amendment which I think is legislation upon an appropriation bill. I trust that the effort of this committee to keep legislation off of this bill will be seconded by the Senate, that we may not open the doors through which all kinds of legislation can find a place upon the Indian appropriation bill as they have in times past.

Now, recurring to the question, I say again that I do not think the modification of the amendment in any way relieves it from the point of order that it is general legislation.

I make another point of order, Mr. President, that no amendment shall be received to an appropriation bill—

The PRESIDENT pro tempore. The Chair sustains the first point of order.

Mr. PLATT of Connecticut. Then I do not need to make another, though it is open to another point of order.

Mr. ALLISON. I hope the Senator will be able to show on two, three, or four grounds that the amendment is not admissible. I want to say one word, the Chair having ruled out the amendment, as I understand

The PRESIDENT pro tempore. The first clause of the amendment has been ruled out.

Mr. ALLISON. I wish to say a word, if the Senator from Connecticut will allow me. The Senator will bear in mind that for two weeks he has been absent on a great public service, in the discharge of a great public duty, and that it was impossible for me to consult him personally. I did consult the chairman of the Committee on Indian Affairs on this amendment, and he said he preferred that I should offer it on the floor rather than that it should be taken charge of by the committee. I, of course, offered it in the best of faith, with a view of trying in a way to relieve the situation in my State, which is very grievous, I assure Senators.

If the Senator from Connecticut will allow me, I regret, feeling as he does as respects these Indians and de-iring as he does to promote their civilization, if that civilization can be secured, that now by a point of order he interposes an impediment to the civilization of these four or five hundred Indians who reside in my State and who are under the exclusive guardianship of the Government of the United States. I ask that the latter part of the amendment may be voted on.

Mr. PLATT of Connecticut. I should like to say just one word in reply to the Senator from Iowa. I certainly had no intention of saying anything which would in any way ruffle his feelings, but this amendment ought to have been submitted to the Committee on Indian Affairs.

Mr. ALLISON. I make no point about that.

Mr. PLATT of Connecticut. I certainly never heard of it before. If it had been submitted to the Committee on Indian Affairs and we had had an opportunity to consider it, it is possible that I might not have made the point of order. But I do think that in the consideration of the appropriation bills it is of the utmost consequence that the rules should be observed. It is of consequence in order that imprudent and improvident and improper appropriations should not be made and that legislation should not creep into appropriation bills; and when an amendment was proposed here of which the committee had never heard, of which I had never heard, I certainly felt it to be my duty to interpose the point of order.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. After the word "dollars," in line 8, page 65, it is proposed to insert:

Provided, That the Secretary of the Interior is hereby directed to pay to Push e ten neke que, head chief of the Sac and Fox of Mississippi Indians located in the State of Iowa, \$500 per annum during the remainder of his natural life, beginning with and including the fiscal year 1900, in accordance with the terms of Article IV of the treaty proclaimed March 23, 1843.

Mr. PLATT of Connecticut. I suppose that will be paid out of the funds of the tribe, although it does not say so. It says in accordance with the article of the treaty, and the treaty provides that it shall be paid out of the funds of the Indians.

Mr. PETTIGREW. I should like to know more about the amendment. It appears that this treaty was made in 1843 and that under its provisions we have been paying the chiefs of this tribe ever since.

Mr. ALLISON. Not all of them.

Mr. PETTIGREW. Now we have a new chief, who has been discovered fifty years or more than fifty years after the treaty was made. It seems to me it is rather a dangerous precedent to be putting men upon the rolls in this way with the little information that the Senate has. We might perhaps extend it to a great many other tribes of Indians. If we hunted up all the old treaties, we would find provisions for paying chiefs in almost all of them, and I should like to know more about it.

Mr. JONES of Arkansas. In addition to what has been suggested by the Senator from South Dakota, I wish to call attention to the fact that the treaty provides that the \$500 shall be paid to the chief out of the annuity paid to the Indians. We have been paying the annuities right along. We have paid all we are under obligation to under the treaty, I presume, and this is a provision that the Treasury of the United States shall proceed to pay it now, when there is nothing in the treaty which says it shall be paid out of the Treasury of the United States.

Mr. PLATT of Connecticut. I think the amendment fairly provides for that.

Mr. ALLISON. I will say to the Senator from Arkansas that the Commissioner of Indian Affairs wrote a letter to the Senate stating what was done and that the other chiefs were being paid out of the annuities of the tribes.

Now, this chief has not been paid for the reason that he resides in Iowa. I think that ought not to be a special objection to him, in view of the fact that he has one portion of the tribe with him in our State.

Mr. JONES of Arkansas. Why has he remained silent for fifty years and not asked for it until now?

Mr. ALLISON. The Senator from Wisconsin [Mr. SPOONER] suggests to me, Why did he remain in Iowa? I do not think this

chief has remained silent. He has insisted from time to time that this money should be paid, but it has not hitherto been paid. I have insisted several times that it was the duty of the Secretary of the Interior to pay this chief out of the annuities.

Mr. JONES of Arkansas. And he has refused to do so?

Mr. ALLISON. He has never done so.

Mr. JONES of Arkansas. He certainly had some reason for it.

Mr. ALLISON. I think he may perhaps have had some reason for it, but I can not see what reason he could have, in view of the fourth section of the treaty, which has been twice read.

Mr. JONES of Arkansas. It may be that the Secretary does not believe this man is one of the chiefs included in the treaty. The Senate certainly ought to be informed about the facts in the case before it adopts the amendment.

Mr. ALLISON. I think so. Undoubtedly the Commissioner of Indian Affairs has made or will make an investigation of this matter. He has named the principal chief, who I happen to know is the principal chief of these Indians in Iowa. Of course this is not a matter that should occupy the Senate for a great length of time; and inasmuch as Senators desire further information, if they see fit to vote down the amendment, they may do so.

Mr. PETTIGREW. I should like to know how this man came to be chief, when he was elected chief, and how he came under the provisions of the treaty of 1843, made fifty-six or fifty-seven years ago. There are a great many chiefs in the State of South Dakota among the Sioux who would like to be put upon the pay roll of the Government at \$500 a year. In fact, I do not suppose there are many people anywhere who would not like to be placed on the pay roll of the Government. There certainly has been nothing stated that justifies our paying out of the funds of these Indians \$500 to this particular Indian. It seems to me that question ought to be answered before we put him upon the pay roll.

Mr. THURSTON. In waiving any objection to this amendment, I think it is only fair to say that if it goes upon the bill, I believe the committee of conference ought to consult with the Department of the Interior as to the underlying facts in the matter before passing upon it finally in the bill.

Mr. ALLISON. If the Senator will allow me a moment, I proposed this amendment because it was sent to me from the Indian Office by the Commissioner of Indian Affairs, who has spoken to me several times about the importance of this particular amendment. I assure the Senator that I have no interest in it other than the public good.

Mr. THURSTON. I understand that perfectly.

Mr. ALLISON. And in order to secure what they consider a peaceable disposition of these Indians in Iowa, who complain because this principal chief, who is recognized and known as one of the principal chiefs of the tribe, and who is now, I think, about 78 years of age, does not receive this sum. I am perfectly willing, of course, that this matter shall be thoroughly investigated and that it shall be disagreed to in conference unless it is satisfactory, and I am willing, more than that, if Senators have any doubt as respects the facts which I have stated, that the matter may be rejected now. I do not wish to impose upon this bill an unjust provision. Senators seem to doubt the recommendations of the Committee on Indian Affairs and the suggestions of the Secretary of the Interior. Of course I have no particular desire—

Mr. JONES of Arkansas. I wish to say for one that I have no doubt of the statements made by the Senator from Iowa. But I do think the Senate has a right to look into and understand the facts of any proposition here to put an Indian or anyone else on the pay rolls of the Government. It seems, according to the contention of the Senator from Iowa, that it has been the duty of the Secretary of the Interior for a great many years to pay this man out of the annuities of these Indians \$500 per annum, as he has paid it to other Indians; and the reason why he has not done so the Senator does not know. Now, the recommendation comes from the Interior Department that there shall be a special provision put in the bill here to pay this man \$500. If it is to come out of the annuities of these Indians, then the Secretary has full power to act, and I do not see the necessity for the amendment. I have no objection to its going into the bill and going into conference, to be taken up and considered, that all the facts may be understood, but I do not want to be understood as criticising the Senator from Iowa in anything I have said.

There is one thing, in connection with this entire amendment, to which I wish to call attention. I refer to that part of the amendment which has already gone out and which is not now before the Senate. The fact seems to be that Congress appropriated \$35,000 to build a schoolhouse for some Indians somewhere in Iowa, and the attendance was 30 pupils a year. I have for a long time been impressed that we were making large appropriations to put up school buildings for Indians in many places where they were not needed; that the vigilance and the activity of gentlemen interested in the localities had brought about very large appropriations to build schoolhouses in a good many places where it would be better not to have built them at all, in my opinion.

Now, having spent \$35,000 for building a schoolhouse and being unable to get more than 30 pupils in attendance, seems to me, ought to be a reason why we should hereafter look a little more narrowly into propositions of that kind when they come before the Senate. I am not willing for one, and I hope the time will be far distant in the future when the Senate of the United States will be willing to undertake, contrary to the wishes of the parents, to compel children to attend school simply because we build a schoolhouse, where, probably, it would have been better not to have built one.

Mr. TELLER. Mr. President, it does not seem to me that it would be any great offense if we should apply to the Indians exactly the same rule we apply to our own children. We have in the State of Colorado—and I know there are in many other States—what we call a compulsory school system by which the parents are required to send their children to school, or they are subject to a penalty if they do not. That can not be any worse for an Indian than it is for a white man, and it is very much more needed for Indians, as a rule, than for white men.

Mr. BERRY. Will the Senator from Colorado permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. BERRY. Is there any provision in the Colorado law which will take a child by force, contrary to the will of the parents, and force him to attend school?

Mr. TELLER. We have never had to do that.

Mr. BERRY. There is no law of that character on the statute book.

Mr. TELLER. No; there is not.

Mr. BERRY. I should think not.

Mr. TELLER. But in a good many countries there is such a law. They take up the vagrant boys and vagrant girls and put them into schools.

Mr. BERRY. Is there any law in any State in the United States that takes the child by force, contrary to the will of the parents, and forces him into school? I have never heard of a case of that kind in the United States.

Mr. TELLER. There are an abundance of cases where they arrest children who are found out of school hours and put them into school.

Mr. SPOONER. If the parent does not do it.

Mr. TELLER. As the Senator from Wisconsin says, if the parent does not do it. I do not suppose we have in Colorado any occasion to do that, because we have sent our children to school.

Mr. THURSTON. Let me make a suggestion in that line. I think there are laws in many States providing for compulsory education, but in regard to the Indians there are two propositions to be considered. One is the possibility of educating them at their own agencies, and the other is of taking them from their parents and sending them to a distance. I know of no law that has ever been proposed in the United States with respect to American children that would take a child away from the home of its parents and send it to school.

Mr. TELLER. I do not understand that there is any proposition of that kind here.

Mr. ALL SON. This school is at the agency.

Mr. TELLER. This school is where the children live. This agency consists of about 2,800 acres of land, and it is small enough so that they can all get to one school if they want to. These Indians belong to the once very famous tribe of Sac and Fox of Mississippi. We made treaties with them very early in the history of Indian affairs in this country, long before anybody here was born. These Indians went to Iowa in 1857, abandoning the home tribe, which was then located in what is now Kansas. They declined to remain in Kansas. They first bought 80 acres of land themselves and established themselves on that small piece of land, and from time to time they have added to it until they now have 2,800 acres of land. They are wild Indians. They are blanket Indians to-day.

I do not care what the Commissioner says about their being able to live without an agent. They live in wigwams and wickiups, and they live just as their ancestors did fifty years ago. They have made practically no progress although living in the midst of civilization. They are somewhat independent. From 1853 to 1867 they never had any annuities or help from the Government at all. They took care of themselves the best way they could. Of course Iowa was a new country then, and I suppose there were some opportunities, in the way of hunting, etc., that are denied to them now. But if any people in the United States need an agent more than any other tribe it is this tribe.

The committee complain because we are unwilling to accept their suggestion, which they admit they got from the Commissioner of Indian Affairs, without any examination whatever into the facts. I do not desire to do anything that is offensive to the committee. This is a very excellent bill, in my judgment. I approve of everything in it except these things, I believe; but I think

we all of us who have been giving some attention to the Indian question, and know something about these matters, are entitled, if we choose to differ with the Commissioner of Indian Affairs, to differ with him. I do not think the Commissioner needs to find fault, and I do not think the committee need to find fault.

It seems to me there has been a little feeling or irritation because we do not agree that these three agents should be dispensed with. The Senator from South Dakota who represents one of the agencies, it being within his State, stated that it was necessary to keep the agent there. You can not read the report of the agent in either of these two cases without admitting and being compelled to admit that there is an absolute necessity and there will be for years to come for an agent, unless you are to abandon the agent system entirely. It is not enough to say you will turn it over to the superintendent of schools. He is an entirely different officer, with different duties; and the agent should be selected from a different class from those who preside over the schools. He should be an executive man. It is not necessary that he should be a scholarly man always. He should be an honest man and of executive ability and with some tact.

The agent is needed. I will not take the time to read the report of that agent, which is here on our tables, which shows that these people need the fostering and kindly care of the Government, and are likely to for many years to come. I think they need a compulsory school law myself, although I would not be in favor of taking the children and carrying them off to a distant place. But I would provide a school in their neighborhood, and I would compel parents to send their children there. That is what we ought to do.

Mr. BERRY. Mr. President, I wish to say only a word. I of course knew that in a number of States of the Union compulsory education is required—that is, if parents fail to send their children to school, a penalty attaches. But I do not think any law has ever been passed in this country which goes to the extent of the amendment offered, which says:

That the Commissioner of Indian Affairs is hereby authorized and directed to place in said school established for their benefit such children of the Sac and Fox tribe of Indians in Iowa, without the consent of parents or other persons, as in his discretion should be compelled to attend school.

I think such a provision would be oppressive and tyrannical, and could not be justified or excused by any State or by the National Government. The idea that this Commissioner in his discretion, and his only, shall go to a man's house and contrary to his will take his child and force him off into school! I am glad that it went out upon the point of order, and I hope no such proposition will ever pass the Senate.

Mr. GALLINGER. Mr. President, just a word. There are two things that I have listened to in this discussion which have impressed me. One is the fact that we have Indian children, a hundred and fifty or more years since we have been endeavoring to educate and civilize them, who are still wild barbarians, apparently without much hope of ever making them useful citizens. If such is the fact, it seems to me we ought to throw around them every possible safeguard that we can by legislation, and if an Indian agent will help out these children, unquestionably an Indian agent ought to be provided for.

Mr. THURSTON. Perhaps I ought to state to the Senator that we have already passed the amendment restoring the agency.

Mr. GALLINGER. I understand that.

Mr. THURSTON. And we have also ruled out, on a point of order, the amendment as to compulsory education.

Mr. GALLINGER. That being the case, I am going to speak to something that the Senate, I think, unwisely did.

I am very strongly of the opinion, Mr. President, that in treating with Indian tribes and undertaking to educate and Christianize Indian children we ought to have compulsory education in every State of the American Union where there are Indian children. I come from a State which has a compulsory education law. We have in the little city in which I happen to live a truant officer, whose duty it is to ascertain what children of school age do not go to our public schools. I am not sure of the extent to which his power goes, or as to whether or not those children can be forcibly placed in school, but I know that the parents can be held to very strict accountability if they do not see that their children attend the public schools. That being found necessary for the State of New Hampshire, I think it is infinitely more necessary for these barbarian children who are on our Western plains, and who have not seemed to be impressed by education or Christianity during the last couple hundred years.

I am sorry I was absent from the Chamber when the amendment went out on a point of order, and I am extremely sorry it was obnoxious to the rule. I wish it might have been put upon the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. THURSTON. We passed over page 48 of the bill for further amendment. I propose to amend the amendment by adding what I send to the desk.

The PRESIDENT pro tempore. The Senator from Nebraska proposes an amendment to the amendment on page 48 of the bill, which will be stated.

The SECRETARY. After the word "ninety-seven," on page 48, line 15, it is proposed to insert:

Such payment to be in full settlement and satisfaction of all claims under said articles and paragraph.

Mr. COCKRELL. Let the amendment be again read.

The Secretary again read the amendment.

Mr. ALLISON. I should like to ask what rate of interest is being paid under this amendment and for how long a period.

Mr. THURSTON. There is no interest to be paid under this section. The use of the term interest is simply to cover the purposes for which the award is made. The treaty with the Indians provided that their certain claims should be determined by the Senate of the United States. At a previous session of Congress the committee had the claim under consideration, which amounted to very much more than the award made in this bill. The committee took under consideration the question of the claim and interest thereon, and we reached a conclusion to allow the sum herein stated, a hundred and eighty-six thousand dollars, in full payment for the claims and interest thereon, being but about half, I believe, of what the total amount of the claims and interest thereon would have amounted to—about 45 per cent.

The action of the committee was ratified by the Senate in passing a bill to pay the amount; and at this session of Congress in committee we felt constrained to hold that the action of the Senate heretofore taken was a determination of the award and a fixing of the amount under the terms of the treaty. We have therefore included an appropriation in full for payment of these claims and interest in the amount named in the section.

Mr. ALLISON. That is to say, the whole amount is in execution of a decision of the Senate.

Mr. THURSTON. Of the Senate.

Mr. ALLISON. As respects the amount due under the treaty.

Mr. THURSTON. Under the treaty.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHOUP. I offer an amendment, which I send to the desk. The SECRETARY. On page 37, line 7, after the word "physician," it is proposed to insert "and two clerks;" so as to read:

For support and civilization of Nez Perce Indians in Idaho, including pay of physician and two clerks, \$1,000.

Mr. THURSTON. I should like to hear the Senator from Idaho upon that point. I do not recall that this proposed amendment has been submitted to the committee or passed upon.

Mr. SHOUP. I will say to the Senator that it was presented to the committee in the House and overlooked.

Mr. JONES of Arkansas. Before the Senator from Idaho proceeds, let me call attention to the fact that an amendment was put on the bill on page 4 providing for a new agency. We seem to have made a new agency—the Nez Perce Agency, \$1,600. This is an addition to the bill as it came from the House.

Mr. SHOUP. I will state for the information of the Senator that this agency has been in existence for a great many years. It is a large agency, and the House left out this item. The estimate was made by the Interior Department for the payment of an agent, and for some reason or other this item was left out in the House. The Commissioner of Indian Affairs concurred in the view as to the importance of the agency. An appropriation of \$1,000 was inserted heretofore. This provides for two clerks. The agents have clerks, and in reinstating the agency it is necessary that the agent shall have clerks.

Mr. KYLE. What provision is made for the payment of these clerks?

Mr. ALLISON. The Senator from Idaho proposes to make no addition to the appropriation.

Mr. SHOUP. To pay a physician and two clerks, \$2,800. That is the way the amendment reads.

Mr. THURSTON. It does not seem to me that the amendment is at all necessary. Clerks are provided for these agencies under the general appropriation. We do not provide in any of our bills the legislation for clerks at the agencies. It seems to me that the Senator will have the clerks at that agency without any provision of this kind.

Mr. JONES of Arkansas. If the clerks are there now the general appropriation for employees of the Department covers this item. There is no doubt the Department will continue the clerks if they are there now. If it is a provision for two new clerks, however, then it presents another question.

Mr. THURSTON. I have no particular objection to the amendment, if the Senator thinks it is necessary.

Mr. SHOUP. I have doubt as to its being covered under any other clause in the bill.

Mr. JONES of Arkansas. I will ask the Senator to state whether the clerks are there now at that agency.

Mr. SHOUP. I can not state with certainty. I know that one is there now, and I think both. That is my judgment.

Mr. JONES of Arkansas. I think there ought not to be any change of the law, because if the agency has been in existence for years and the force has been sufficient to transact the business there certainly ought to be some reason shown here why there should be an increase in the force. The general appropriation for employees in the Department provides for carrying on all the force which is now employed in the Indian service everywhere.

Mr. SHOUP. One reason why we need two clerks is because we have a mill there, and the agent will certainly select a man who is a miller as well as a useful person as a clerk. Those clerks are needed all the time. The Government owns a flouring mill there, and there is no provision for the payment.

Mr. TELLER. If the Senator will yield to me a moment, I will state that the Secretary of the Interior can select a miller and a clerk if he chooses, if he has money enough to pay him from the general appropriation.

Mr. JONES of Arkansas. He has a general fund for that purpose.

Mr. TELLER. He can do it if he has money enough. It is only a question how much money he has. He has the power to select a clerk and a miller, and all that.

Mr. PLATT of Connecticut. I do not think we have a provision in this bill for the employment of a clerk of an Indian agent.

Mr. THURSTON. We have no such provision at all.

Mr. JONES of Arkansas. Not one.

Mr. THURSTON. The Idaho Agency will be left the same as all the others.

Mr. TELLER. I do not think you will need the provision.

The PRESIDING OFFICER. The proposed amendments will be read. The Secretary omitted to state the increased amount.

The SECRETARY. On page 37, line 7, after the word "physician" strike out "\$1,000" and insert "and 2 clerks, \$2,800," so that the paragraph, if amended, would read:

For support and civilization of the Nez Perce Indians in Idaho, including pay of physician and 2 clerks, \$2,800.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Idaho.

The amendment was rejected.

Mr. TELLER. I gave notice of two amendments that I would propose. I heard the chairman say that he was instructed by the committee not to allow anything savoring of legislation to go on the bill. I have two amendments of considerable importance, in which some people in my State are particularly interested. They are both practically the same thing, proposing to amend the act of 1880, so as to insert the name of Mrs. Sarah R. Dresser in the place of George Dresser, and to insert the name of Mrs. Arivella D. Meeker in the place of her daughter, Miss Josephine Meeker. I am clearly of the opinion that it is legislation, and therefore I do not offer the amendments. I have a bill pending of the same kind, and I shall have to rely upon the passage of that bill.

The PRESIDENT pro tempore. There are one or two amendments which have been passed over. The Chair would suggest that there is one on page 42, and another on page 71.

Mr. THURSTON. The Senator from Arkansas has an amendment which he desires to submit to the amendment on page 42.

Mr. JONES of Arkansas. I am ready to present it now if there is no objection. I move to strike out, in line 2, on page 42, after the word "final" down to the end of the paragraph, in line 5. The words I propose to strike out are the following:

But this shall not in any manner affect the provisions of the act of Congress of June 28, 1888, respecting the Mississippi Choctaws.

The foregoing provision is one regulating the question of the enrollment of the Choctaws. This provision was put into the bill with the understanding that it would save the rights of the Mississippi Choctaws in the Choctaw Nation under the law as it now stands. Further consideration has satisfied the people in interest that it does not do so, and they want the language I now propose substituted for the language which I propose to strike out and to insert the following:

Provided,—

Mr. PLATT of Connecticut. Where does that come in?

Mr. THURSTON. After the word "final," line 2, page 42.

Mr. JONES of Arkansas. After the word "final," I move to strike out all after the word "final," in line 2, on page 42, and insert another form of amendment which I send to the desk, and

which I believe more clearly carries out the purpose of this amendment than the language in the bill. The Secretary has the amendment. I sent it up. I have another copy, and I shall read it.

Mr. THURSTON. I suggest that should be after the amendment a ready made. We inserted a few words after the word "final."

Mr. JONES of Arkansas. I did not remember that.

Mr. THURSTON. We inserted, "when approved by the Secretary of the Interior."

Mr. JONES of Arkansas. That is correct. Let my amendment come in after those words.

Mr. GALLINGER. I do not want to be technical, Mr. President, and if the Senator in charge of this bill wishes to go along in this way I certainly shall not object, but I call attention to the rule that an amendment having been adopted as in Committee of the Whole it is not amendable until it reaches the Senate. Still, if the chairman cares to have the amendment further amended now, I shall not object.

Mr. THURSTON. I will say that the Senator from New Hampshire was not here when the bill was taken up. It was the understanding, in which I concurred, that amendments might be offered either as in Committee of the Whole or in the Senate, notwithstanding that we had acted upon the bill as we went along.

Mr. GALLINGER. Of course I yield to that.

Mr. JONES of Arkansas. In addition to that, when this amendment was up at the time the other was adopted, I offered this amendment to it, and by unanimous consent it was passed over until the committee amendments were disposed of.

The PRESIDENT pro tempore. The Senator from Arkansas offers an amendment. The Secretary will read it.

The SECRETARY. After the amendment inserted after the word "final," line 2, page 42, insert the following proviso:

Mr. JONES of Arkansas. There is an amendment that comes after the word "final" and this proviso comes after that amendment.

The Secretary read as follows:

Provided, That any Mississippi Choctaw duly identified and enrolled as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement they shall be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment.

The PRESIDENT pro tempore. The proviso which has just been read is proposed to be inserted after the words "the Interior" instead of the word "final."

Mr. JONES of Arkansas. Yes, sir.

Mr. ALLISON. Mr. President, I do not wish to make any point about this amendment, but I call the attention of the Senator from Arkansas to the fact that this is legislation, making Choctaws or people who are not now Choctaws.

Mr. GALLINGER. It is legislation pure and simple.

Mr. JONES of Arkansas. Mr. President, this whole section is a provision for the enrollment of these Indians. The present Dawes Commission has already enrolled all of the Mississippi Choctaws. The provision is that in making the enrollment of the balance of the Choctaws so many of the Mississippi Choctaws as shall in good faith move to the Choctaw country before the final settlement under the laws, as they exist now, shall be enrolled as Choctaws; and so far from being any violation of the rules in any sense it is in exact compliance with what the bill is doing.

Mr. ALLISON. Mr. President, this is legislation amending legislation. Through the persuasion of the Indian Affairs Committee a year or two ago we put some legislation upon the Indian appropriation bill at that time authorizing the enumeration of the Choctaws in Mississippi, without in any sense providing for their status when enumerated.

It is well known that these Choctaws have a large estate which is either a tribal estate or at some time, if the tribe is abolished, will become the individual estate of the Choctaws in the Indian Territory. The Choctaws who have lived in Mississippi, by no law that I know of, are now entitled to become part owners and holders of that tribal estate, either individually or collectively.

If I understand the amendment proposed by the Senator from Arkansas, it is an amendment to allow people who are Choctaws, or of the Choctaw tribe, to remove from Mississippi now, and it authorizes this commission, after they have moved there, to enroll them as though they had always lived there under the treaty, and thus entitle them to a participation in this tribal estate.

I may be mistaken as to the purport and effect of this amendment, but if that is not the purport and effect of it, why is it that the Senator proposes now to put upon the roll of the tribes in the Indian Territory Choctaws who have not been there for the last fifty years, or thirty years, and who have now no right to participate in the property of the Choctaw tribe of Indians?

Mr. JONES of Arkansas. Mr. President, the Senator from Iowa has been so much absorbed in great political questions which necessarily come before him for consideration in the Committee on

Appropriations that many little things have escaped him, among others the facts relating to the Mississippi Choctaws.

This section which I propose to amend is a provision directing how the Dawes Commission shall enroll the Choctaws. Under the Choctaw law as it stands now any Mississippi Choctaw who removes from Mississippi to the Choctaw country may become a citizen of the Choctaw tribe. He has that right now under the law.

It was suggested that when this bill was passed all Indians who were not enrolled would be barred. The question was, if the Mississippi Choctaws under the law should between now and the completion of this work go to the Territory, would they be barred from their rights under the Choctaw law? and this amendment is simply to save their rights in case they go. It is simply to prevent the section as we have framed it from cutting out the Mississippi Choctaws from the right they would otherwise have.

The language which I propose to strike out was put in by the committee because it was understood by the committee to save the rights of the Choctaws. I understand that the persons in interest believe that there was some doubt about whether the language proposed by the committee would save the rights of these Mississippi Choctaws, and in the form in which I have put it there is no doubt but that it will reserve their rights. That is all there is of it. There is no legislation in it except the limitation on what the Dawes Commission is to do in the expenditure of the money that we appropriate, and it is in no sense amenable to any criticism.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. THURSTON. I believe the Senator from Arkansas has an amendment which he desires to present in lieu of the proviso on the same page about town-site appraisers.

Mr. JONES of Arkansas. Yes, sir; I am going to propose that amendment now. I move, on page 42, to strike out all after the word "be," in line 16, and to insert what I send to the desk.

The PRESIDENT pro tempore. The Senator from Arkansas presents an amendment which will be read.

The SECRETARY. It is proposed to strike out all after the word "be," in line 16, page 42, down to the word "Secretary," in line 8, page 43, and to insert:

*A commission for each town in said Choctaw, Chickasaw, Creek, and Cherokee nations, to consist of one member to be appointed by the executive of such nation, who shall not be interested in town property other than his home, one member to be appointed by the Secretary of the Interior; and if the executive of the nation fails to select members as aforesaid, he may be selected and appointed by the Secretary of the Interior. The agreement of any two members of said commission as to the market value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two of said members are able to agree the matter in dispute shall then be determined by such Secretary: *Provided, further*, That the council of any city or town in either of said nations may, in its discretion, and at the expense of such city or town, proceed itself to cause such city or town to be surveyed and platted as contemplated in said sections 15 and 29 of said act approved June 23, 1898, entitled "An act for the protection of the people of the Indian Territory, and for other purposes," and file the plat thereof as therein directed, which shall be subject to the approval of the Secretary of the Interior.*

*As soon as the survey and plat of any town is approved the commission for such town shall, with all proper dispatch, proceed to make the appraisements of the lots and the improvements thereon in manner as provided and prescribed in said sections 15 and 29 of said act approved June 23, 1898, and file their report with the Secretary of the Interior: *Provided, further*, That if, at the expiration of six months from the approval of this act, being the time allowed for the city or town council to exercise the option to survey and plat, any town has not been surveyed and platted as herein provided, the authority of the town or city council to survey and plat the same shall then cease, and the powers in relation thereto shall devolve upon the commission for such town, who shall cause the same to be surveyed and platted, and make their report thereon, as well as the report of the appraisement thereof, through the United States Indian inspector for the Indian Territory, to the Secretary of the Interior for his approval. The commissioners for unincorporated towns shall proceed with due diligence to survey, plat, and appraise such towns, and make their reports thereon as herein contemplated.*

All towns and villages which at the approval of this act, or that may, prior to the allotment of the land on which the same may be situated, have a population of 100 or more, shall, for the purposes of this act, constitute a town.

That the Commission to the Five Civilized Tribes is hereby authorized, upon application by any interested parties, to set aside and reserve from allotments to individual citizens of the Five Civilized Tribes any lands in the Choctaw, Chickasaw, Seminole, Creek, or Cherokee nations, in the Indian Territory, not exceeding 160 acres in any one tract, at such points as may be found necessary and desirable for town-site purposes, on the line of any railroad which shall be constructed in the Indian Territory prior to allotment. Such town sites shall be selected, surveyed, and platted, and lots disposed of for the benefit of the tribe, under rules and regulations prescribed by the Secretary of the Interior.

It shall be unlawful for any person to sell or attempt to sell occupancy rights to lots in any town of said nations which may be reserved from allotment under the provisions of this act, or to settle or attempt to settle any lands as towns until the same shall have been set apart for town-site purposes as hereinbefore provided, or as otherwise expressly provided by law.

Nothing in the said act of June 23, 1898, or in this act, shall be held to require that town-site limits established in the course of laying out and disposing of town lots and the corporate limits of towns, if incorporated, shall be coextensive, and such town-site limits and corporate limits, respectively, shall be so established as to best subserve the then present needs and the reasonable prospective growth as the same may appear at the times when such limits are respectively established.

In the disposition of unimproved lots under the town-site laws in said

Territory the cash payment of 25 per cent of the purchase price shall be required in all instances at the time of sale, and the balance shall be required to be paid in equal annual installments.

Mr. THURSTON. Mr. President, this amendment, and perhaps one or two others that will be proposed, may lead to some discussion. I feel that we have made good progress with this bill. I was about to suggest that if there was no other business of importance before the Senate I would move to adjourn.

Mr. ALLISON. Be ore that motion is put, I desire to reserve the right to make the point of order on the amendment which has just been read.

Mr. GALLINGER. The Senator yields to me before making his motion. I understood him to say.

Mr. THURSTON. Certainly.

MARIE J. BLAISDELL.

Mr. GALLINGER. I ask unanimous consent for the consideration at this time of the bill (S. 3075) granting an increase of pension to Marie J. Blaisdell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments, in line 6, after the word "nurse," to insert "Medical Department, United States Volunteers;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie J. Blaisdell, late army nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. PETTIGREW. I offer the amendment which I send to the desk, to the Indian appropriation bill, and ask that it may be printed and lie upon the table.

Mr. PLATT of Connecticut. Let the proposed amendment be read.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. On page 52, line 23, strike out all of line 23 after the word "hereby," and all of lines 24 and 25, and insert:

Granted the right to a patent to the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry.

All sums due any Indian tribe shall be paid by the United States.

That if the funds derived from the sale of public lands shall not be sufficient to meet the payments heretofore provided by an act of Congress approved August 30, 1890, for the more complete endowment and support of the college for the benefit of agriculture and mechanical arts as per act of Congress of July 2, 1862, such deficiencies shall be paid by the United States.

The PRESIDENT pro tempore. The amendment will be printed and lie upon the table.

Mr. JONES of Arkansas. I present an amendment intended to be offered to the Indian appropriation bill, which I ask to have printed and lie upon the table.

The PRESIDENT pro tempore. The amendment will be received, ordered to be printed, and lie upon the table.

EXECUTIVE SESSION.

Mr. THURSTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 7, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 6, 1900.

SECRETARY TO EMBASSY.

Philip M. Hoefele, of Missouri, to be third secretary of the embassy of the United States at the City of Mexico, Mexico, to fill an original vacancy.

POSTMASTERS.

Walter M. Burekhalter, to be postmaster at Truckee, in the county of Nevada and State of California, in the place of W. A. Bucknam, whose commission expired March 27, 1900.

John Lemasters, to be postmaster at Kern, in the county of Kern and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

George P. Edwards, to be postmaster at Collinsville, in the

county of Hartford and State of Connecticut, in the place of S. J. Lyon, whose commission expired March 27, 1900.

Charles T. Welch, to be postmaster at Windsor, in the county of Hartford and State of Connecticut, in the place of S. E. Phelps, whose commission expired January 15, 1900.

Frank M. Cauger, to be postmaster at Granite, in the county of Madison and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Elmer E. Smith, to be postmaster at Clayton, in the county of Adams and State of Illinois, in the place of J. B. Coe, whose commission expired December 11, 1898.

John R. Snook, to be postmaster at Altamont, in the county of Effingham and State of Illinois, in the place of T. G. Boyer, whose commission expired April 2, 1900.

Hugh S. Espey, to be postmaster at Rising Sun, in the county of Ohio and State of Indiana, in the place of David S. Wilber, removed.

Winfield S. Hunter, to be postmaster at Jasper, in the county of Dubois and State of Indiana, in the place of Sebastian Anderson, removed.

Henry Frank Radcliff, to be postmaster at Pierceton, in the county of Kosciusko and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Victor Nelson, to be postmaster at Gowrie, in the county of Webster and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Fredrick L. Wellman, to be postmaster at Monona, in the county of Clayton and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Henry A. Pope, to be postmaster at Milton, in the county of Norfolk and State of Massachusetts, in the place of Henry A. Pope, whose commission expires April 23, 1900. (Reappointed.)

William J. Ingersoll, to be postmaster at Mayville, in the county of Tuscola and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1900.

Carlton Graves, to be postmaster at Aitkin, in the county of Aitkin and State of Minnesota, in the place of William B. Gwathmey, whose commission expires April 25, 1900.

Eugene S. Wooldridge, to be postmaster at Stewartville, in the county of Olmsted and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Charles L. Dix, to be postmaster at Forestville, in the county of Chautauqua and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

Charles H. Parker, to be postmaster at Macedon, in the county of Wayne and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

James H. Smith, to be postmaster at Franklinville, in the county of Cattaraugus and State of New York, in the place of Christopher Whitney, whose commission expired March 3, 1900.

Martin B. Allen, to be postmaster at Honesdale, in the county of Wayne and State of Pennsylvania, in the place of Mary E. Gerety, whose commission expires April 25, 1900.

William E. Scott, to be postmaster at Jeannette, in the county of Westmoreland and State of Pennsylvania, in the place of Joseph A. Bing, whose commission expired March 23, 1900.

E. H. Clark, to be postmaster at Victoria, in the county of Victoria and State of Texas, in the place of F. C. Grothaus, deceased.

Walter G. Shaw, to be postmaster at North Bennington, in the county of Bennington and State of Vermont, in the place of P. H. McCarthy, whose commission expired January 15, 1900.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 6, 1900.

APPOINTMENT IN THE VOLUNTEER ARMY.

To be assistant surgeon with the rank of first lieutenant.

Gustave Moret, of Porto Rico (late acting assistant surgeon, United States Army), March 30, 1900, Porto Rico Regiment, United States Volunteer Infantry.

PROMOTIONS IN THE ARMY—INFANTRY ARM.

To be captains.

First Lieut. Charles Miller, Sixteenth Infantry, February 2, 1900.

First Lieut. John R. Seyburn, Eighth Infantry, February 3, 1900.

First Lieut. Truman O. Murphy, Tenth Infantry, February 5, 1900.

To be first lieutenants.

Second Lieut. Charles E. Morton, Twenty-second Infantry, February 2, 1900.

Second Lieut. Van Leer Wills, Twelfth Infantry, February 3, 1900.

Second Lieut. Ethelbert L. D. Breckinridge, Seventh Infantry, February 5, 1900.

Second Lieut. Garrison McCaskey, Twenty-fifth Infantry, February 11, 1900.

POSTMASTER.

William W. Lowry, to be postmaster at Auburn, in the county of Sangamon and State of Illinois.

HOUSE OF REPRESENTATIVES.

FRIDAY, April 6, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. H. N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

GOVERNMENT FOR HAWAII.

Mr. KNOX. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill 222, to provide a government for the Territory of Hawaii.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY of Massachusetts in the chair, for the further consideration of the bill S. 222.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of Senate bill 222.

Mr. McRAE. Mr. Chairman, I move to strike out of section 80, lines 13, 14, and 15, beginning with the word "except," in line 13, and ending with the word "only," in line 15.

Mr. SHAFROTH. That section has been stricken out.

The CHAIRMAN. The effect of the proposed amendment by the gentleman from Arkansas could not be heard at the desk.

Mr. McRAE. It is to strike out, in lines 13, 14, and 15, on page 85, of section 80, beginning with the word "except," in line 13, and ending with the word "only," in line 15.

Mr. ROBINSON of Indiana. That section has been defeated.

The CHAIRMAN. The Chair is informed that that section has been stricken out of the bill by an amendment heretofore adopted.

Mr. McRAE. The whole section?

Mr. SHAFROTH. All except the last paragraph, and in lieu thereof the Senate section has been adopted.

Mr. KNOX. That was done last night.

Mr. McRAE. Did the amendment of the gentleman from Colorado cover all of the section?

Mr. SHAFROTH. It took in all of section 80 down to the eighth line of page 86, and in lieu thereof it inserted the Senate section.

Mr. McRAE. Then, Mr. Chairman, I withdraw my amendment.

Mr. MONDELL. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Insert, before the word "all" in the eighth line of page 86, the following: "All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii."

Mr. MONDELL. Mr. Chairman, the proposed amendment follows the amendment made last evening on motion of the gentleman from Colorado for the appointment of certain officers, and provides in effect that the judges of the supreme court, the circuit courts, the attorney-general, the treasurer, the commissioner of public lands, the superintendent of agriculture, the superintendent of public works, the superintendent of public construction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioner of public instruction, board of prison inspectors, board of registration, inspectors of election, and other boards shall be citizens of the Territory of Hawaii.

Mr. ROBINSON of Indiana. Does it provide that the circuit-court judges shall be citizens of Hawaii?

Mr. MONDELL. It does. It provides that all the officers mentioned in the amendment adopted yesterday afternoon shall be citizens of the Territory of Hawaii.

Mr. KNOX. Mr. Chairman, I will state that the committee has no objection to that amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

All persons holding office in the Hawaiian Islands at the time this act takes effect shall, except as herein otherwise provided, continue to hold their respective offices until such offices become vacant, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided.

Mr. ROBINSON of Indiana. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out lines 8, 9, 10, 11, 12, and 13, on page 86, and insert:

"All persons holding office in the Hawaiian Islands at the time that this act takes effect shall continue to hold their respective offices until their successors are appointed and qualified, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as hereinafter provided."

Mr. ROBINSON of Indiana. The only purpose of the amendment is to provide that the officers shall hold until the expiration of the first term of the senate, and, as I think, is in better language and less open to misinterpretation than the language of the bill.

Mr. KNOX. I think that is already covered by the language of the bill.

Mr. ROBINSON of Indiana. But the chairman of the committee will see that the language used in the section might be open to some misinterpretation, and it is only to prevent that that this amendment is proposed. It has been submitted to the members of the committee on the other side and is satisfactory to them.

The amendment was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 80 by adding:

"It shall be the duty of the surveyor to report annually to the Department of Labor and to the governor of Hawaii and legislature, the area in acres of all holdings not less than 100 acres in extent, whether by grant, lease, or otherwise, of agricultural land in Hawaii; by whom owned or held, the character of the cultivation, the number of laborers employed on each holding, the nationality of the laborers, the daily, weekly or monthly wages paid, and such other information as the Department of Labor may prescribe. And it shall be his duty to call on all such holders of agricultural lands for such written statements as may be prescribed by the Department of Labor. Any failure to make such a statement by any person or corporation shall subject such person or corporation to a penalty of \$100 for each and every refusal; to be collected and enforced by the government of the Territory of Hawaii in the courts of Hawaii."

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to obtain statistical information relating to the agricultural lands in Hawaii and the labor employed upon those lands. The population of those islands consists of 60,000 Asiatics, 40,000 Kanakas, 15,000 Portuguese, and about 8,000 other whites. We can readily understand that if the entire legislation of those islands drifts into the hands of the landed class, we shall have there a republic in name only.

I take it, the purpose and aim of our legislation is to increase the immigration of free white persons to those islands; and our duty is to obtain such statistical information upon this subject as will enable us to legislate upon it intelligently hereafter. At present the labor there is mainly the labor of Asiatics. There is no reason why white labor should not be employed in those islands. The Portuguese and the Italians are excellent laborers in a climate of that kind.

We have had a large experience with both these classes of laborers upon the Pacific coast, and we have found them exceedingly efficient. Most of these people who come to this country are poorly educated, but their children under our free-school system acquire an education and become intelligent citizens, exercising the duties of citizenship consistently with the spirit of our institutions. Now, it seems to me that if we can encourage that kind of immigration and discourage Asiatic immigration, we shall march a long ways in the line of making the Hawaiian government a republic in spirit and essence as well as in form.

Of course we do not want to interfere with vested rights there. Nor do we wish to interfere ignorantly with the conduct of business there. But the purpose of this amendment is to secure this statistical information which will enable the legislature of Hawaii to act, and if it does not act wisely, will enable Congress itself to act on this subject.

Mr. WHEELER of Kentucky. Allow me to say to my friend from Nevada that if I correctly caught the reading of this amendment, I do not think that under it the government of Hawaii would be enabled to collect the penalty prescribed. Unless we shall more definitely define the violation of law and prescribe the mode of collecting the penalty, I think the surveyor might ignore this provision and there could be no recourse to the courts.

Mr. NEWLANDS. The amendment provides that the Department of Labor shall prescribe the form of statement required from those holding agricultural lands; and it is made the duty of the surveyor to exact such a statement; and any failure or refusal on the part of a holder of agricultural lands to make such a

statement subjects him to a penalty of \$100, to be collected in the courts of Hawaii by the government of Hawaii.

Mr. WHEELER of Kentucky. In my humble opinion, in order to enforce the penalty you must make it a misdemeanor or a crime to refuse to furnish this information. To say simply that a failure to return the prescribed statement shall subject the person failing to a certain penalty is so indefinite that no court would support a declaration founded upon such a provision. You must specifically define as an offense the act which the law undertakes to make punishable.

Mr. NEWLANDS. I shall be very glad to accept any amendment which the gentleman from Kentucky [Mr. WHEELER] may frame in order to make this provision more efficient. All I want is to have some provision of this kind incorporated in the bill. I have no doubt that the committee of conference, if we give them a basis of action, will shape the provision properly. Of course our amendments hastily offered here are sometimes quite crude.

Mr. KNOX. I desire to say that if I have understood correctly this amendment and its purpose, it is in the direction of securing very valuable and necessary information; and I think I may say on behalf of the committee that we have no objection whatever to its being adopted.

Mr. HITT. The gentleman from Nevada [Mr. NEWLANDS] will allow me to say that the machinery of the government now in operation in Hawaii provides for the accomplishment of the very purpose which he aims at. Anyone who cares to examine into the matter will find a synopsis of such statistics in the report of the commission and a supplemental report. But this provision will do no harm.

Mr. NEWLANDS. As I understand, it can do no harm; and in addition we shall have under its terms a report to the Department of Labor, which would be published, so that Congress will have such information to guide its action.

The question being taken on the amendment of Mr. NEWLANDS, it was adopted.

The Clerk read as follows:

CHAPTER IV. THE JUDICIARY.

SEC. 81. That the judicial power of the Territory shall be vested in one supreme court and in such inferior courts as the legislature may from time to time establish. And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

Mr. ROBINSON of Indiana. I desire to call the attention of the chairman of the committee [Mr. KNOX] to the first section, which provides that the judicial power of the Territory shall be vested in a supreme court, but there is a failure to mention the five circuit courts, which are the present establishment, and the language which follows is not sufficiently clear. If the gentleman concurs with me, I will send to the desk an amendment to insert the words "and five circuit courts."

Mr. KNOX. The general provision of law puts the Territorial judicial power into one supreme court and such inferior courts as shall be established by the legislature of Hawaii.

Mr. ROBINSON of Indiana. But I do not suppose the circuit courts would be styled inferior courts.

Mr. KNOX. Oh, yes; they have not final jurisdiction. Those courts will be established by the legislature of Hawaii.

Mr. ROBINSON of Indiana. I do not understand that a circuit court which has general jurisdiction is an inferior court under the decisions.

Mr. KNOX. This is not a United States circuit court.

Mr. ROBINSON of Indiana. That is true.

Mr. KNOX. We allow the establishment of circuit courts when we say "inferior courts."

Mr. ROBINSON of Indiana. It is thought by some that the paragraph should read:

That the judicial power of the Territory shall be vested in one supreme court and five circuit courts.

With the gentleman's consent, I will send the amendment up.

Mr. KNOX. We would not like to put the judicial power of the Territory into the hands of the circuit courts. The judicial power is put into the hands of the supreme court, and then the legislature will have the power to establish inferior courts. I think this is the language which is used with reference to every Territory.

Mr. ROBINSON of Indiana. But there are now five circuit courts.

Mr. KNOX. It is expected we shall have to have more than five within the present year.

Mr. ROBINSON of Indiana. Do you say that there is a desire to increase the number?

Mr. KNOX. It will be necessary, probably. That is the general impression.

Mr. ROBINSON of Indiana. The fear is that they will reduce the number.

Mr. KNOX. Oh, no.

Mr. ROBINSON of Indiana. Then upon the statement of the gentleman I will not offer the amendment.

Mr. BELL. I wish to suggest to the committee that we strike out the word "inferior." The gentleman from Indiana [Mr. ROBINSON] in giving the distinction between superior and inferior courts has the correct idea.

There is a long line of decisions to the effect that no court of general jurisdiction can be said to be inferior, and they make the distinction between a court of limited jurisdiction and a court of general jurisdiction.

Mr. KNOX. There is no objection to the amendment suggested by the gentleman.

Mr. BELL. I move to strike out the word "inferior."

Mr. KNOX. There is no objection to that.

Mr. LANE. Substitute the word "other."

Mr. KNOX. Yes; strike out the word "inferior" and substitute "other."

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

In section 81, line 16, strike out the word "inferior" and substitute the word "other."

Mr. BRICK. I would like to be heard upon that. If you say, "such other courts," that would give the power in the legislature to provide for other appellate courts. It might provide for that and might be so construed. It is not the intention that the legislature shall provide for any other appellate court than a supreme court; so that if you strike out the distinctive qualification of inferior courts, then it should read "such other circuit courts and inferior courts" as the legislature may establish.

Mr. ROBINSON of Indiana. I agree with the gentleman that the words "circuit courts" ought to be in there. Is that the gentleman's contention?

Mr. BRICK. Yes.

Mr. ROBINSON of Indiana. Then I hope the gentleman from Colorado [Mr. BELL] will so frame his amendment.

Mr. BRICK. That will obviate the difficulty.

Mr. ROBINSON of Indiana. I trust the gentleman from Colorado will so frame his amendment as to cover that proposition.

Mr. BELL. I have no objection. My only object was to remove a word that was subject to misconstruction.

Mr. DENNY. Why not say "such other circuit courts?"

Mr. ROBINSON of Indiana. Substitute "other circuit courts and such inferior courts."

Mr. BELL. Very well.

The CHAIRMAN. The Chair understands the gentleman to withdraw the amendment, and the gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "such," in line 17, insert the words "other circuit courts and."

So that it will read:

That the judicial power of the Territory shall be vested in one supreme court and in such other circuit courts and inferior courts as the legislature may from time to time establish.

The amendment was agreed to.

The Clerk read as follows:

SUPREME COURT.

SEC. 82. That the supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and may be removed by the President: *Provided, however,* That in case of the disqualification or absence of any justice thereof, in any cause pending before the court, on the trial and determination of said cause his place shall be filled as provided by law.

Mr. KNOX. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 86, section 82, line 23, after the word "and," insert the words "not less than."

Mr. KNOX. This section provides for a supreme court, to consist of a chief justice and two associate justices. The purpose is that there shall not be less than two associate justices.

The amendment was agreed to.

Mr. CORLISS. I should like to inquire of the gentleman in charge of the measure whether there is any limitation of the terms of the judges of that court?

Mr. LANE. That is fixed in section 80 by an amendment which was offered yesterday, fixing the term for four years.

Mr. CORLISS. The length of the judicial term is limited to four years?

Mr. LANE. Yes.

The Clerk read as follows:

DISQUALIFICATION BY RELATIONSHIP, PECUNIARY INTEREST, OR PREVIOUS JUDGMENT.

SEC. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through such relative, any pecuniary interest.

Mr. KNOX. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 88, section 84, line 21, add the following after the word "interest:"

"No judge shall sit on an appeal or new trial in any case in which he may have given a previous judgment."

The amendment was agreed to.

Mr. ROBINSON of Indiana. I desire to call the attention of the chairman of the committee to the next section to be read, providing for impeachments. In view of the fact that the House by a pronounced vote has provided that the President shall appoint the judges, I will ask the gentleman to give his attention to that paragraph, and will ask whether it should not be stricken out?

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

IMPEACHMENT.

SEC. 85. That the judges of the circuit court of the Territory shall be liable to removal from office on impeachment by the house of representatives upon any of the following grounds, namely: Any act or negligence involving moral turpitude punishable by law as an offense and committed while in office, incapacity for the due performance of official duty, or maladministration in office.

The senate shall be a court with full and sole authority to hear and determine all impeachments made by the house of representatives.

The chief justice of the supreme court shall be ex officio president of the senate in all cases of impeachment.

Previous to the trial of any impeachment the senators shall, respectively, be sworn truly and impartially to try and determine the charge in question according to law and the evidence.

The judgment of the senate, in case of the conviction of the person impeached, shall not extend further than to removal from office and disqualification to hold any place of honor, trust, or profit under the government; but the person so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment according to law.

Mr. KNOX. I think, as the circuit judges are to be appointed by the President, that they should not be subject to impeachment by the local legislature. I agree with what the gentleman says, and I move to strike out the section.

The CHAIRMAN. The gentleman from Massachusetts moves an amendment which the Clerk will report.

The Clerk read as follows:

Strike out all of section 85.

Mr. COX. I should like to call my friend's attention to the fact that we may be acting too hastily. We have conferred on the President the power to appoint the judges and the power to remove; but suppose a judge is guilty of misconduct and the President neither removes him nor takes any action in the case. I think he ought to be impeached.

Mr. ROBINSON of Indiana. I would very much sooner trust it to the President than to the Territorial organization of the legislature; and it would not do to bring them into conflict upon that line.

Mr. COX. That is all right, if you want to take it out; but you will have a judge, if he runs with the President, that is in for all time.

Mr. ROBINSON of Indiana. This was provided so the appointment could not be made by the governor of the Territory, and it would be a check.

Mr. KNOX. I can not hear a word, Mr. Chairman.

Mr. BELL. I want to ask the chairman of the committee how you get rid of the circuit judge?

Mr. KNOX. He is appointed by the governor.

Mr. BELL. He is appointed by the President; not the district judge.

Mr. KNOX. You mean the United States district judge. We have not come to that.

Mr. BELL. This is the judge of the Territory. After the governor makes the appointment, can he withdraw him?

Mr. ROBINSON of Indiana. The circuit judges are not appointed by the President.

Mr. BELL. How can you get rid of them?

Mr. KNOX. The President can remove them.

Mr. ROBINSON of Indiana. It would not do to bring in conflict the legislature and the President.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

DELEGATE TO CONGRESS.

SEC. 86. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature; such

Delegate shall possess the qualifications necessary for membership of the house of representatives of the legislature of Hawaii. The times, places, and manner of holding elections shall be as fixed by law. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

Mr. HILL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out, on page 89, from and including line 20 to and including line 9, on page 90, and insert the following:

"TERRITORIAL COMMISSIONER.

"In lieu of a Territorial Delegate, the governor may nominate and, by and with the advice and consent of the senate of the said Territory of Hawaii, appoint a commissioner of said Territory, to reside at the capital of the United States, and to represent the interests of said Territory of Hawaii in its relations with the United States. Said commissioner shall, when appointed, be a citizen and bona fide resident of said Territory; his term of office shall be two years; his salary shall be \$5,000 per annum, which, with his actual, necessary traveling expenses in coming from said Territory and returning thereto, shall be paid by the United States."

Mr. HILL. Mr. Chairman, I voted for the annexation of Hawaii. During that discussion a very remarkable speech was made by the gentleman from Missouri [Mr. CLARK] upon the annexation of Hawaii. I want to read a portion of that speech:

If we annex Hawaii and you, Mr. Speaker, should preside here twenty years hence, it may be that you will have a polyglot House, and it will be your painful duty to recognize "the gentleman from Patagonia," "the gentleman from Cuba," "the gentleman from Santo Domingo," "the gentleman from Korea," "the gentleman from Hongkong."

And so on. I will not quote further from that remarkable speech, but the quotation which I have now read, when it was uttered, was received with loud laughter and derision in this House; but it seems to me that the presentation of this bill, for a Delegate from a Territory with the small population of Hawaii, has made that speech partially fulfilled prophecy. Now, I object to a Delegate from the Hawaiian Islands to the Congress of the United States. I object to it because since the adjournment of the last session of Congress on the 4th of March, after the most careful and intelligent inquiry, I have failed to find a citizen of the United States who believes in a political union with any of these insular possessions, with the right of representation in the American Congress at this time. Therefore I move to strike it out; and I want to call the attention of the House to the successive steps that have been taken which have brought us to this position.

It was not intended or expected by the Hawaiian people when annexation was asked for with the United States that it was to be a Territory of the United States; and when the measure was presented by the distinguished chairman of the Committee on Foreign Affairs, standing in the aisle near where he is now sitting, he made a most excellent address upon that subject; but he was asked by a gentleman on the other side of the House, "What form of government do you think will be recommended for the Hawaiian Islands?" And the gentleman made this reply: "I am not prepared to answer that question; but in my judgment"—I am not giving the exact language, but the substance—"it should be made a county of the State of California or Oregon." It was with such understanding and with such expectation that I voted for the annexation of Hawaii. To-day a bill comes in here for a full-fledged Territory, asking for a right of representation by a Delegate in the American Congress.

Mr. FITZGERALD of Massachusetts. I would like to ask the gentleman a question.

Mr. HILL. I have but five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILL. Now, I claim the people of Hawaii themselves did not expect, neither do they now, neither did they want nor do they want now, practically universal suffrage.

Mr. MONDELL. I would like to ask the gentleman where he got his information that they do not desire it?

Mr. HILL. The Hawaiian republic was organized as a protest against Kanaka rule. I have the facts here before me.

Mr. MONDELL. What has that to do with this?

Mr. HILL. It was as a protest against Kanaka rule that Liliuokalani was deposed from the throne, and in order to control the Territory those who were looked upon as citizens of Hawaii at that time were compelled to enforce a restricted suffrage. They did it. I am not in favor of the property qualification under which that was done; but I am in favor of stopping Kanaka control over these islands, and opposed to voting to give a Kanaka representative a seat in the House of Representatives or a Kanaka representation in the House of Representatives of the American Congress.

Now, I have said they were not in favor of it themselves. Their own action is the best comment on this bill. Their manner of controlling this was by making a property qualification. The report of the Committee on Territories in the Fifty-fifth Congress says:

The amendment recommended in section 34, which prescribes the qualifications of members of the senate, strikes out the property qualification therein provided and makes the qualification that of an elector for members of the senate, which, by section 62, is the ownership of real estate of the value

of \$1,000 or the receipt of an income of \$800 for the year preceding registration. This requirement of property ownership is somewhat less than that of the constitution of the republic of Hawaii, which, by article 76, is made the ownership of real estate, above incumbrances, of the value of \$1,500, or of personal property of the value of \$3,000 above incumbrances, or the receipt of a money income of \$800 for the year preceding registration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAPRON. Mr. Chairman, I ask that the gentleman's time be extended for ten minutes.

The CHAIRMAN. The gentleman from Rhode Island asks that the time of the gentleman from Connecticut be extended for ten minutes? Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD of Massachusetts. Will the gentleman answer a question?

Mr. HILL. I will answer the gentleman.

Mr. FITZGERALD of Massachusetts. Does the gentleman believe in taxation without representation?

Mr. HILL. There are 100,000 people in the Hawaiian Islands; there are 300,000 in the District of Columbia that are taxed without representation. There are 100,000 in the Territory of Alaska to-day that are taxed without representation.

Mr. FITZGERALD of Massachusetts. But does the gentleman believe in that principle?

Mr. HILL. I believe the best government on earth to-day is that of the city of Washington in the District of Columbia.

Mr. FITZGERALD of Massachusetts. But does the gentleman believe in the principle of taxation without representation?

Mr. DRIGGS. I would like to ask the gentleman a question.

Mr. HILL. I have but ten minutes. The people of Hawaii do not ask for this. They ask for a restricted suffrage and wish to be controlled and governed by the educated and intelligent portion of the people of the islands of Hawaii.

The report further says:

The question of a property qualification of any kind for a voter or member of the senate is an important one and is calculated to excite antagonism in the United States, but such a qualification has long prevailed in Hawaii, and, as far as can be ascertained, meets the approval of the people.

Now, Mr. Chairman, what else did we do? After annexing Hawaii we sent an able and distinguished commission to those islands. They went there and examined the conditions, a commission of which the gentleman the chairman of the Committee on Foreign Affairs was a member, and came back and reported in favor of this restricted suffrage, by which the Caucasian race should have and continue in the unrestricted control of those islands. This committee has utterly ignored the recommendation of that commission which we sent to investigate the matter. That is not all; that restriction was so severe that out of 14,000 eligible voters, under the terms of this bill, the republic of Hawaii itself only allowed 2,800 to be registered—less than one-quarter—and it was absolutely necessary that they should do it, or else the Kanaka control would sweep them out of the island. Now, Mr. Chairman, that is not all.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. HILL. I can not now; perhaps I will later. Not only did the commission report in favor of this, but this very committee which now brings in this bill brought in a bill last year in favor of a restricted representation.

Mr. LITTLEFIELD. And with a property qualification.

Mr. HILL. Yes; with a property qualification; but that is a matter of no importance, because it was not put there for the purpose of a property qualification, but as the best method of preventing the Kanaka control of these islands. It was put there because there was a population there which the gentleman himself [Mr. LITTLEFIELD] likened to the tribes of Africa yesterday, which was unjust, when the question was up on the saloon amendment. It was this Kanaka control that they desired to prevent. Not only did the committees of both Houses last year make this recommendation, but the chairman of that commission, representing the chairman of the committee in the Senate, this year brought in a similar bill, and it was only for the first time since this question has been considered that this committee now brings in a bill sweeping away all restrictions and admitting to suffrage everyone in these islands who can read.

Now, what is the nationality of these people? I want to give it to you. There is a total population of 109,000, according to the census of 1896. There are of voters about 3,000 Americans, Germans, French, and English; about 3,000 Portuguese, and, according to the statement of the gentleman from Michigan, there are 9,000 Kanaka votes, so that according to his own statement on the question of elections the American, German, French, and English voters will be simply buried under a vote of 4 to 1.

The amendment I have offered proposes a commissioner appointed by the governor of the islands, who himself is appointed by the President of the United States, and makes a business proposition of what this bill, as it now stands, makes a political proposition, and it is the political feature of it that I object to.

Mr. Chairman, I do not believe that the people of the United

States are yet ready to take the first step toward statehood for these insular possessions. It may be said that it makes no difference in this respect whether this man is elected by the people of Hawaii or whether he is appointed by the appointee of the President of the United States. The sentiment is there that if you make the islands of Hawaii a full-fledged Territory, but one more step, and that a short one, is necessary to be taken under the political exigencies that might arise with either party, Republican or Democratic, that would thereby get control and help to maintain control of the United States Senate, if this island and Puerto Rico should be swept in as States in the Union. I for one am utterly opposed to taking the first step until we have more and better knowledge as to the characteristics and the peculiar traits and the capacity of these people than we possess to-day.

Now, am I right about that? I want to call attention for just a moment to the report made by this committee last year. It was not a unanimous report; the report this year is unanimous. Now, why was it not unanimous last year? Because the Democratic members on that committee said last year:

We can not agree to the majority report of the committee for the reason that it indicates an intention on their part to make a new departure from our well established custom of governing Territories. We believe that the newly acquired Territories should be governed as other Territories of the United States have been governed from the foundation of our Government, with a view that they may be ultimately admitted into the Union of States.

This year that objection is all swept away; Democrats and Republicans alike on that committee come up here and ask for the admission of Hawaii as a Territory of this Union.

Gentlemen, I want you to recall an incident which occurred here in this Chamber yesterday afternoon. To the proposition granting unrestricted suffrage to the Kanakas and the foreigners in Hawaii no opposition was made on the other side of the House; but the moment the question of the qualifications of voters comes up, the Mississippi plan, the plan of the Southern States, of restricting votes under an unrestricted representation, is again endeavored to be fastened upon this bill.

That is the proposition. I did not vote with my friend from Mississippi. I do not criticize his action. I did not so vote, because I would not attempt by a device to take away that which I was willing to grant by law. I would not vote for unrestricted, uneducated, unintelligent suffrage and then attempt to take it away by a device. I refused on that ground to vote for the proposition. I have no criticism to make upon the action of other gentlemen.

I refused on the same ground to vote for the proposition of the committee. I have no criticism to make upon the action of the gentlemen on the other side of the House. Perhaps I would do as they do, if I were in similar circumstances. I am not prepared to discuss that question; but as a New Englander who believes in a fair suffrage, an honest suffrage, an intelligent suffrage, I stand here now to say that neither in Puerto Rico, nor in the Philippines, nor in Hawaii, nor anywhere else, will I vote to put a Representative upon the floor of this House who is not elected by a constituency that knows what it is doing. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. I will take further time on the other amendment.

Mr. HITT. Mr. Chairman, the section giving Hawaii a Delegate in Congress, which is objected to, is one for the insertion of which in the bill reported by the commission I am in part responsible, as I was the sole person on the Hawaiian commission representing or in any way related to the House of Representatives. I asked on behalf of the House, as I believed its interests and the interests of Hawaii required that such a provision be inserted. The country we were providing for was of enormous wealth, of great energy, of contending interests, for which Congress would have to legislate.

I desired that in the case of this Territory, as in all instances that have preceded, we should have upon the floor of this House a representative man who was responsible, a man who could speak for those people, who could be questioned at any instant on aught that concerned them, a man who could be held accountable by the House, and who, if he stated aught that his constituents disapproved, could be visited by the reprobation of his own constituency—that public scorn which is the most dreaded punishment of public men. If Hawaii is denied a Delegate on the floor, we are certain to have here instead abundant delegates in the lobby, paid by private interests in that Territory to secure favors in legislation, as we have often seen in our experience here in other matters. [Applause.]

Mr. HILL. I should like to ask the gentleman a question at his convenience.

Mr. HITT. I have only five minutes, and then I will yield the floor to anyone else who wants to talk.

Mr. HILL. I will seek an opportunity to ask my question before the gentleman sits down.

Mr. HITT. We know that when a person is here representing special interests he is selected for experience, ability, adroitness,

plausibility. He comes here in the pay of private interests to obtain special rights and privileges, always under pretense of the public good, but always at the expense of the general community; otherwise he would not be here. We want some one here who represents all the people of the Territory. [Applause.] We want some one here who has a representative character determined by the people themselves, who choose and send him, and to whom he must answer.

The gentleman who has just spoken [Mr. HILL] feared that we would have a disreputable or incompetent representative of an inferior class—the Kanakas. Why, sir, we had here constantly for many years a representative of the Kanaka kings and queens of the purely Kanaka government. Every old member here will recall with esteem the character of the ministers from Hawaii. Mr. Allen, who for many years sat on this floor representing with distinction a district of the State of Maine, went to those islands and afterwards came back here as minister, representing the Kanaka people and his royal master, a Kanaka. He was diligent, honest, zealous, a fit representative of the population of the Hawaiian Islands.

He was followed by Mr. Carter, whom many of us knew well, a distinguished, a most honorable and excellent man; then Mr. Mott Smith. All these had the privilege of this floor. Then there was Mr. Thurston more recently, whom a great many of you knew personally; and Mr. Hatch, one of the ablest members of the bar, who was recognized here for his integrity and ability; and Mr. Hastings, whose sudden and tragic death at the White House many of us remember—these delegates were often on this floor, but without the right of speech. They were chosen, some of them by the government under white domination, some of them by the Kanaka native government; but all were fit men.

There was also a Hawaiian lobby here from time to time, but always for special selfish objects. Every member knows by experience what a lobby is, and what the aim of a lobby agent is. Whether he is a distinguished gentleman, an ex-governor, an ex-judge, or a poor hireling picked up here in Washington, he is essentially a lobby agent, paid to look after a special interest. And representing this House on the commission, I believed we ought to have here upon this floor a man whom we could question, from whom we could derive direct information, who would have a representative character, a Delegate who would be responsible to the House and to a constituency. [Applause.]

Mr. BREWER. May I interrupt the gentleman?

Mr. HITT. I will only take one moment as to the other subject which the gentleman raised.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KNOX. I move that the time of the gentleman from Illinois be extended.

Mr. HILL. I ask that the time of the gentleman from Illinois be extended to allow him to complete his remarks.

The CHAIRMAN. The request is made by several gentlemen that the time of the gentleman from Illinois be extended to conclude his remarks. Is there objection?

There was no objection.

Mr. HILL. Now, may I ask the gentleman a question?

Mr. HITT. Certainly.

Mr. HILL. Every person whose name the gentleman has mentioned was appointed, not elected—every representative of that country.

Now, I want to ask the gentleman if he does not believe that a commissioner appointed by Hawaii to the United States, to represent their business interests, appointed by the governor of Hawaii, who is himself appointed by the President of the United States, would be more likely, under that system of appointment, and that that would be a better guaranty of getting a good representative than you could have by a general vote of the people of the Hawaiian Islands?

Mr. HITT. The difference would simply be that in the one case we would have the Delegate here in our presence whom we could interrogate, and in the other a commissioner going about the Departments, corridors, and committee rooms, with no voice on this floor, reduced to the likeness of an official lobbyist.

Mr. HILL. I should like to ask just one more question, and then I will not trouble the gentleman any further. He has had a very large experience in diplomatic affairs. He is familiar with all the insular systems of the world. Does he know of a single insular government in the world, either in the system of Great Britain, France, Germany, or any other European power, that has a representative in the parliament of any of those countries?

Mr. HITT. The answer to that is ours is essentially a popular, republican, representative government, and a republic does not need always to take lessons from monarchies in the application of our own system. [Applause.]

Mr. BREWER. I want to ask the gentleman if he is willing that the people of Puerto Rico shall have a Delegate here in this House?

Mr. HITT. I will answer questions about Puerto Rico or Kamchatka and any other country when they are before the House. [Applause.] I do not want to be diverted to politics. The gentleman's question is political. I am talking now about the business that is immediately before the House.

I sympathize with much that the gentleman from Connecticut [Mr. HILL] has said in apprehension of doing something to-day that would involve statehood hereafter for Hawaii. The gentleman referred to what I said on this floor years ago about Hawaiian statehood—that I was averse to the prospect and thought well of the proposition to make it a county of California.

I am sorry to add to what I said then that upon inquiry I found in California that there would be unanimous opposition in that State to the incorporation of Hawaii, with its population of an Asiatic character; and in the Hawaiian Islands there was not a soul who ever expressed approval to me of the suggestion made here of its becoming a county of California.

Mr. HILL. May I ask the gentleman—do I understand that he wishes a population which the State of California was unwilling to accept as a county to have from us representation as a full-fledged Territory in our Congress?

Mr. HITT. Well, that is argumentative. I merely stated what the sentiment was in California. We know the Chinophobia that prevails in California, and it determined this question among Californians apparently at once. Gentlemen on the floor who represent California can contradict or confirm me.

Now, nothing that we might say to-day against Hawaiian statehood, no resolution or enactment or eloquent speech, can prevent this very Congress to-morrow or another Congress two years hence or a hundred years hence from undoing anything and everything that we now do.

We can not prevent another Congress from doing foolish or wise things. They can admit it as a State if they will. We can, after passing this bill to-day and in it passing the gentleman's proposition pledging impliedly that there shall be no statehood for Hawaii, to-morrow pass an enabling act. We can not bind our successors. We have no such faculty, no such approach to omnipotence, no command of the future. We legislate for to-day. I would gladly do anything I could to carry out the view expressed by the gentleman from Connecticut as to that part of his proposition, for I think it is at least harmless; but as to the Delegate, we want him right here on this floor. [Applause.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, if the gentleman from Connecticut [Mr. HILL] thinks that he can call from me, by his references this morning, words or tone apologetic in their character, the gentleman from Connecticut is mistaken.

The laws of the United States provide that every organized Territory of the United States shall have a Delegate upon this floor.

Mr. HILL. I wish the gentleman would show that to me in the Constitution.

Mr. WILLIAMS of Mississippi. I believe the gentleman has complied with the Mississippi and Connecticut requisition for voting, and he can read for himself. [Laughter.]

Mr. HILL. That provision is not in the Constitution.

Mr. WILLIAMS of Mississippi. There is no doubt about the fact that every Territory organized as a Territory of the United States is entitled to a Delegate upon this floor, and that that Delegate is, under the laws of the United States—I will amend my statement that far, if I said Constitution, I meant laws—entitled to the same salary and the same mileage as a member of Congress and entitled to every privilege of a member of Congress, except that of voting, on this floor.

Now, Mr. Chairman, I stood here in my place and made the first Democratic speech in either House in opposition to the admission of Hawaii as a part of the United States, and I stated at that time the grounds of my opposition. I said, when discussing the admission of that country, that we must do one of two things: We must either permit it to take its part and parcel with us as an equal Territory of the United States, with the constitutional privilege of becoming, when Congress saw fit, a State of the United States, or else we must leave it outside of the United States.

I then stated upon this floor that when we were called upon to face Hawaiian problems, we should be called upon to face a colored race problem in Hawaii, and that when we were called upon to face it, we were going out of our way several thousand miles to hunt a new problem to add to other problems of that character that we already had and that were already too much for our management. Does the gentleman imagine that we of the South take any pride in the fact that we have been compelled to restrict suffrage in order to preserve civilization?

Mr. HILL. I do not. I am amazed at the fact, however, that you will vote, in insular possessions of the United States, to do the same thing over again.

Mr. WILLIAMS of Mississippi. Mr. Chairman, the same necessity exists. I stated in the Hawaiian debate that whenever I was faced with that problem that, if I were the only Democrat in the United States to do so, I would stand for white supremacy

in Hawaii just as I had stood for it in Mississippi, and I will. The gentleman speaks of restricted suffrage, as if restricted suffrage were dishonest or unfair suffrage. He knows better. There is nobody in the United States that ought to know better than a Connecticut man about that. I do not know of a better State government in the Union to-day than that of Connecticut, with the possible exception of that of the State of Mississippi, speaking politically, and yet in the State of Connecticut the town of New Haven and other cities are represented in the State legislature, under old antediluvian charters of the kings of England, by a few representatives, and many superannuated villages are represented by two or three times as many representatives.

Mr. HENRY of Connecticut rose.

Mr. WILLIAMS of Mississippi. Now, why? The gentleman speaks of restricted suffrage and I speak of restricted representation, and the two things go together.

Mr. HILL. Will the gentleman pardon me a moment? I spoke of unrestricted representation and a restriction of votes.

Mr. WILLIAMS of Mississippi. I am speaking of that, too, and Connecticut is with unrestricted representation upon this floor, with a restricted representation in the State of Connecticut of your cities compared with your rural districts. And, by the way, that you are right in having it just as you have it I do not dispute. It is your affair, and I have nothing to do with it, and I am not quarreling with it.

Mr. HENRY of Connecticut. Will the gentleman allow me to correct him?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. HENRY of Connecticut. We have no restricted suffrage in Connecticut.

Mr. WILLIAMS of Mississippi. I am speaking of restricted representation.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KNOX. I ask unanimous consent that the gentleman's time be extended, and that he be given such time as he desires.

The CHAIRMAN. The gentleman from Massachusetts asks that the time of the gentleman from Mississippi be extended without limit. Is there objection?

There was no objection.

Mr. WILLIAMS of Mississippi. The gentleman has misunderstood me.

Mr. HENRY of Connecticut. There is no restriction as to that. Every qualified voter may cast a vote for Representatives in Congress, for State officers, and members of the general assembly.

Mr. WILLIAMS of Mississippi. I understand you think I have said restricted suffrage. I meant restricted representation.

Mr. HENRY of Connecticut. We have unrestricted representation and we have unrestricted suffrage. Our system of representation in our State legislature is two hundred and fifty years old. We elect our Representatives in Congress by an unrestricted suffrage.

Mr. WILLIAMS of Mississippi. I know it is over two hundred years old.

Mr. HENRY of Connecticut. But everybody votes. There is no disqualification except for crime.

Mr. WILLIAMS of Mississippi. I understand the gentleman from Connecticut. But there is also in Connecticut, if I have learned its system right, an educational qualification.

Mr. Chairman, in expressing myself if I used the phrase "restricted suffrage" with regard to Connecticut, I meant to use the phrase "restricted representation." What I meant to say was that "restricted representation" is essentially the same as "restricted suffrage," and unequal representation is essentially the same thing as unequal suffrage.

Now, we might just as well be honest with one another, my friends, upon both sides of this House. Let us lay aside for a moment the fact that I am a Democrat and you are Republicans, and let us talk as men who have had forced upon us, and also in your case forced upon yourselves by your own action, a problem which we must solve, and which we must solve as wise men, as statesmen, as men with some view to the future, as men with common sense, and not merely as Republicans and as Democrats.

Now, taking that view of it, I am prepared to say that the very worst thing that can happen to the Hawaiian Islands to-day or to-morrow would be to have Kanaka rule or colored-race rule in Hawaii. I speak advisedly, not only with my own personal observation and experience, but with all history behind me. Now, then, how are you going to avoid it? You must avoid it by restricted suffrage.

I am not talking to you as Republicans or Democrats. And what sort of restricted suffrage must you have? Something which, while it is not based upon an express discrimination on account of race or color, is based upon something which actually discriminates against color and race. Else you must have Kanaka rule. Take your choice. For my part I have taken mine long since. I asked you, in God's name, to relieve me, as one of the

representatives of the American people, of this additional problem; but you annexed Hawaii.

Do you imagine that I do not recognize that the symmetry, the rounded proportions of a Democratic system are marred by the necessity of a restricted or qualified suffrage, even though the end and purpose, the aim and object, be the preservation of civilization itself? No wonder California did not want Hawaii as a county in California and part of it. Why? Because California has had some little experience with race problems, too.

Soon after I came to the Congress of the United States I said to the Representatives of California and the Pacific slope, from my place upon this floor, that I was willing to leave to the white people of the Pacific slope the business of attending to their Chinese race problem, and was willing to vote with them with that aim in any measure they desired enacted here—believing that, while they had the strength of a giant, they would not be brutish or foolish enough to use it like a giant; and that I arrogated to myself and my own people the claim that, when faced with a problem of the same kind, we would not use the power intrusted by circumstances to us with the force of brutish giants.

I say now, as I said then, that it is the duty of the white race everywhere to lift up those below them so far as they can, but that there is no injunction in sacred or in human law calling upon me or calling upon you to "herd with narrow foreheads, ignorant of our race's gains." They will progress as time passes, and so will we; and as we mount one rung higher on the ladder of civilization we will hold our hands down to them and raise them to the rung next below. I have no idea on my own part that they will ever be on the same rung; and I have no hypocrisy about it.

Now, then, having taken the position that there must be restricted suffrage in Hawaii, I come to the question of whether representation ought to be restricted. It ought not. Why, it is bad enough to be compelled by the exigencies of the situation to deprive the people there of an equal partnership in the destinies of their own country. For remember that it is not a problem of governing a white man's country with white supremacy, as it is here, but there you have carried yourselves over to a colored man's country. You have superimposed yourselves there until as a matter of necessity you must now govern them in accordance with your ideas, and your ideas are those of Caucasian civilization.

It is bad enough to be compelled by the exigency of the situation, I say, to restrict the suffrage. It would be absolutely mean to deprive them of a representation, merely by speech in your presence; to refuse even the poor right of petition to somebody standing here speaking for these people, saying, as such an one will have the right to say, "I represent not only the white people of Hawaii, but I represent Hawaii. I know the conditions of whites and Kanakas alike and have authority of knowledge to call your attention to them."

Why, does the gentleman imagine that because New Haven has not a proper representation in the Connecticut legislature that therefore New Haven ought to have no representation in the Connecticut legislature at all?

Mr. HILL. I will answer the gentleman that he fails to comprehend the state of representation in the State of Connecticut.

Mr. WILLIAMS of Mississippi. How many representatives has the city of New Haven?

Mr. HILL. We have two representatives. The senate is the popular body in the State of Connecticut, and the house of representatives is the representation of towns. It is precisely the reverse of the Congress of the United States, and when the gentleman makes the statement that there is no popular body in the general assembly in the State of Connecticut, he states that which gives a false impression; and I will say further, that if there are any inequalities in the popular body it is due to Democratic legislation.

Mr. WILLIAMS of Mississippi. I have not made the statement that there is no popular body in your general assembly, but I do state that your general assembly as a whole is not a body of either popular or equal representation. I am not quarreling with the fact that Connecticut manages her own affairs to suit herself. I think as a rule she has managed them wisely and well. I differ with the gentleman in politics, but I do believe that Connecticut has had one of the most honest and one of the most incorrupt State governments in the nation, mainly owing to the fact, perhaps, that her rural vote and country gentlemen have dominated her politics.

Understand me, I am not quarreling about that, but I am merely illustrating the idea that you, of all men, can not stand upon this floor and contend for the idea that the people ought to have no representation, because you are unwilling to give your own people equal representation.

Mr. SPERRY. Mr. Chairman—

Mr. WILLIAMS of Mississippi. I will yield to the gentleman.

Mr. SPERRY. Mr. Chairman, as my distinguished friend from

Mississippi has alluded to Connecticut and to New Haven, I wish to say this in reference to that matter. The State of Connecticut was organized on a different plan from any other State in the nation—

Mr. WILLIAMS of Mississippi. I beg the gentleman's pardon. I do not want to seem to be in the slightest degree discourteous. The gentleman knows that it has always been my habit to yield whenever interrupted, and I thought I was yielding to the gentleman for a question.

Mr. SPERRY. No, sir; I rose for the purpose of making some remarks.

Mr. WILLIAMS of Mississippi. I can not yield for that purpose. The gentleman can get time of the House subsequently. I can not yield for the purpose of allowing him to inject a speech into my remarks.

Now, Mr. Chairman, either Hawaii is a part of the United States or Hawaii is not a part of the United States. Gentlemen have contended in the case of the Philippine Islands and Puerto Rico, which are in military occupancy and which were taken by conquest, that they are not a part of the United States until Congress expressly declares them to be. But that contention, sound or unsound, can not have sway in the case of Hawaii, because Hawaii was admitted into the Union by her own petition, upon her own request, and by our consent. She has become a part of the United States. Whatever the constitutional situation may be or may not be in connection with the Philippines and Puerto Rico, based upon the idea that they are in military occupancy, that sort of argument can not apply to Hawaii.

Now, then, if Hawaii is a part of the United States, she is entitled to all the rights of every other Territory in the United States, and one of those rights is to be represented, by the power of speech at any rate, upon this floor. [Applause.] Now, I thank the House for its courtesy and attention and for waiving in my behalf its rule of procedure for the moment.

Mr. HILL. Will the gentleman answer me a question? How about Alaska and the District of Columbia?

Mr. WILLIAMS of Mississippi. I would to-morrow organize a Territorial government for Alaska, and give Alaska a representative upon this floor, and it ought to be done at the very earliest practicable moment. I would do the same thing for the District of Columbia, and in both cases I would have a restricted suffrage. [Applause.]

Mr. KNOX. Mr. Chairman, the debate on this matter has been exhausted, and I ask for a vote.

Mr. CLARK of Missouri. Mr. Chairman, I would like to make a remark or two, by unanimous consent.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that he may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Now, Mr. Chairman, originally I was opposed to taking in the Sandwich Islands.

Mr. KNOX. Will the gentleman from Missouri pardon me a suggestion? I will not take up any of his time.

Mr. CLARK of Missouri. Yes.

Mr. KNOX. Mr. Chairman, I move that the debate on this section close with six minutes to the gentleman from Missouri and five minutes to the gentleman from Connecticut.

Mr. CLARK of Missouri. I wish you would make it ten. I may not be able to close my remarks in six minutes.

Mr. KNOX. Ten minutes to the gentleman from Missouri and five minutes to the gentleman from Connecticut [Mr. SPERRY].

The CHAIRMAN. The gentleman from Massachusetts moves that the debate on this section be closed at the expiration of fifteen minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Mr. Chairman, originally I was opposed to taking in the Sandwich Islands. If that were still an open question, I would be just as much opposed to it as ever, but the incident of annexation is closed. We have them for better or for worse, and it is our duty both to ourselves and to them to do the best we can in a difficult situation.

Therefore I am in favor of giving these people a Delegate upon this floor of the character they see fit to send hither to explain their situation and their wants. If they wish to send a white man, all well and good. I hope they will. If they want to send a Kanaka—if that is the proper name—all well and good. That is their business, not ours.

I am testotally opposed to any portion of the people of the United States being taxed without having representation. That is the principle for which we waged the Revolutionary war, and it was well worth fighting for. Now, I wish to reenforce what my friend from Mississippi [Mr. WILLIAMS] said. It does not lie in the mouth of the people of New England to come here and taunt Southerners about their methods of running elections.

In Missouri every man, great or small, rich or poor, white or black, has the right to vote once and to have his vote counted; but I am a Southern man in feeling and in thought, and I know that

what they do down there they do under an impulse of self-preservation too strong to be resisted.

The gentleman from Connecticut [Mr. HILL] quoted approvingly part of my speech, delivered here in the summer of 1898, against the annexation of the Hawaiian Islands. He describes it as "a remarkable and prophetic speech." I am obliged to him for his flattering indorsement; I wish he had quoted it all. I am willing to rest my fame not only as an orator but as a prophet upon that speech. [Laughter.]

The same gentleman asks: "Do you want a Congressional Delegate from the District of Columbia?" Nobody has yet answered his query, so I will proceed to do so myself. Yes: I want a Delegate in Congress from the District of Columbia. Not only that, but I introduced a bill in the last Congress, also one in this, erecting this District into a Territory and reenfranchising the people thereof, conferring upon them the right of self-government, and authorizing them, inter alia, to elect a common council and a Delegate to this House; but I have never been able to get a report on the bill.

In the next Congress the Democrats will have the House, and I will have a favorable report on that bill or worry the committee into insanity or the apoplexy. [Laughter.]

Mr. HILL. Why did you not present and urge your bill when your party had the House?

Mr. CLARK of Missouri. Because I was a green hand in Congressional legislation; but I am "green" in that respect no longer.

I will print my bill as part of my remarks, so as to set members to thinking seriously about it. Here it is:

A bill to create a Territory of the District of Columbia by the name of the Territory of Columbia and to grant Territorial government to the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia is hereby created a Territory by the name of the Territory of Columbia.

SEC. 2. That all male citizens of said Territory over 21 years of age, who have not been convicted of a felony and who have resided within said District one whole year prior to the first Tuesday after the first Monday of November, A. D. 1900, are qualified electors to vote for all Territorial officers and upon all Territorial questions.

SEC. 3. That the existing District government shall continue until January 1, 1901, and the laws now in force shall continue in force until changed or repealed by the Territorial legislature.

SEC. 4. That prior to January 1, 1901, the President of the United States shall appoint a governor, secretary, and marshal for said Territory from among the qualified voters thereof, who shall hold their offices for a term of four years from said 1st day of January, A. D. 1901, unless sooner removed for good and sufficient cause.

SEC. 5. That the legislature of said Territory shall consist of a senate and house of representatives. The senate shall be composed of 11 members, who shall be qualified voters of said Territory at least 30 years of age, whose term shall be four years. The house shall be composed of 22 members, who shall be qualified voters at least 25 years old, and whose term shall be two years.

SEC. 6. That the said Territory shall be entitled to a Delegate to the House of Representatives in the Congress of the United States.

SEC. 7. That it shall be the duty of the present Commissioners of the District forthwith to divide the said Territory into 11 legislative districts, as nearly equal in population as possible, each of which shall be entitled to 1 senator and 2 representatives in the Territorial legislature.

SEC. 8. That on the first Tuesday after the first Monday in November, 1900, an election shall be held within said Territory for the purpose of electing senators and representatives in said Territorial legislature and a Delegate to the Congress of the United States.

SEC. 9. That it is hereby made the duty of said Commissioners to provide polling booths, poll books, tally sheets, printed ballots, and other appliances necessary for said election, and to appoint judges and clerks for the same in such numbers as to them shall seem best: *Provided, however*, That not more than one-half of such judges and clerks shall be appointed from one political party.

SEC. 10. That election returns shall be certified to said Commissioners, and they shall canvass the same and issue certificates of election to those elected.

SEC. 11. That each house of said legislature shall be the sole judge of the election and qualifications of its members.

SEC. 12. That at high noon January 1, 1901, both houses of said legislature shall meet at places prepared by said Commissioners and shall organize for business by electing such officers as shall be necessary, and may continue in session for ninety days and no more.

SEC. 13. That senators and representatives in said legislature shall receive \$10 per day during the session, to be paid out of the revenues of said Territory.

SEC. 14. That said legislature shall have power to enact all necessary laws, to levy taxes, to disburse the revenues, to do all things usually done by Territorial legislatures, and to provide for the election and appointment of all subordinate officers and to fix their compensation.

Last Saturday night, while delivering a lecture before the faculty and students of the University of Michigan, at Ann Arbor, I received a telegraphic order from Senator JAMES K. JONES, of Arkansas, chairman of the Democratic national committee, directing me to go to Rhode Island and make two Democratic speeches. I went, and I learned a great deal.

I found a state of affairs which utterly amazed me. They have such an outrageous apportionment there that the great city of Providence has only 1 State senator out of 37 and 12 representatives out of 72 in the lower house of the legislature.

Ex-Governor Davis told me of some town with only 267 voters which elects a senator.

Mr. CAPRON. Will the gentleman allow me?

Mr. CLARK of Missouri. I yield for a question only.

Mr. CAPRON. What the gentleman speaks of is the result of a provision of our State constitution which we have attempted

several times to change, but our efforts have been defeated by the Democrats.

Mr. CLARK of Missouri. I will tell you about that, too, a little later on.

Mr. CAPRON. That was repealed years ago.

Mr. CLARK of Missouri. Wait; I am making this speech. I yielded for a question; not for a speech.

Governor Davis stated further that under the present unfair and un-American arrangement it could be shown by mathematical demonstration that about 36,000 people out of over 400,000 elect a majority of both branches of the legislature, and thereby absolutely control the political affairs of the State.

Yet, we hear loud lamentations about unfair election laws in the South.

In Rhode Island they still have that relic of barbarism known as a "property qualification."

If a man owns \$134 worth of real estate, he is a voter for all purposes.

If he does not own that much realty, but owns and pays taxes on \$134 worth of personal property, he is a voter for all purposes.

The almighty dollar and not intelligence is the qualification for full suffrage.

Then they have what they call registered voters, who are voters for certain purposes and are not voters for certain other purposes.

Yet we hear a great deal of hypocritical whining about the suppression of voters down South.

I commend to these philanthropic doctors the Scripture, which says, "Physician, heal thyself."

Under this outrageous Rhode Island apportionment for legislative purposes the Democrats would have to carry the State by 25,000 or 30,000 majority in order to have a majority on joint ballot in the legislature, whereby they could elect a Senator of the United States, and by a much larger majority in order to control both houses of the State legislature.

I was told by Mr. Green, chairman of the State Democratic committee, that the Republican supreme court judges had given the Republican governor an opinion to the effect that there is no power lodged anywhere to authorize the people of Rhode Island to hold a constitutional convention to frame a new constitution to cure this outrageous apportionment and other ills and oppressions from which the people of Rhode Island now suffer!

The only way they can secure a constitutional convention to form a new constitution is first to submit and adopt an amendment authorizing the calling of such a convention!

Here is the peculiar modus operandi of adopting a constitutional amendment: The proposed amendment must be passed by a majority of each house of two different legislatures and then be adopted at the polls!

As the little towns now elect a large majority of each house of the legislature, and as such amendment would deprive the small towns of a large portion of their present unjust power and unfair representation, the chances are that no such amendment can be passed through each house of two succeeding legislatures. It looks like nothing short of a revolution would give Republican Rhode Island a fair and modern system of voting—such as we have in Democratic Missouri.

I was told that in the city of Woonsocket 400 men begged the assessor to put them on the tax list, offering to swear and to prove that they possessed the \$134 of property necessary to entitle them to vote under Rhode Island's medieval constitution. The assessor, who was a Republican, refused to put them on the tax list. They were Democrats and undertook to mandamus the assessor and compel him to do so, but the judge, a Republican, decided that they were too late in their application, as the tax lists had already been made up! [Laughter.]

The next time they endeavored to compel the assessor by mandamus to put them on before he completed his lists; but the judge decided that the assessor was not required to put them on on any particular day of the designated time, and that he might intend to put them on the next day or the next, and again denied them the prayer of their petition—the right to be taxed and to vote. Once they were too late. Next time they were too early. [Laughter.]

I guess that that is the only instance in the entire history of the human race where men asked, begged, and instituted a lawsuit to be permitted to be taxed.

The gentleman from Connecticut says that the government of the District of Columbia, where nobody can vote, is a model government—the best in the United States, as I understood him. I deny that proposition. It is a carpetbag government, for the most part. I am not criticising the individuals who compose it. They may be good and efficient men, or they may be the reverse; but the people who fill the District of Columbia offices—not the Federal offices, but the local offices—ought to be bona fide citizens of the District and not broken-down politicians from the States fastened upon this people to eat up their substance.

Congress sits here two days in the week as a common council

for the city of Washington—a duty for which it is unfit by reason of ignorance of the wants of the people and of the proper relation of one thing to another.

The fact that under the shadow of the nation's Capitol 300,000 American citizens, white and black, are completely disfranchised, not permitted to vote on any proposition under the sun, are reduced to the low estate of being the nation's wards, have no more voice in the government under which they live than have the inhabitants of Africa, is the saddest commentary to be found anywhere on the theory of representative government.

Why should they not vote? It is a manly, invigorating exercise. I would like to be here the day they elect the first Delegate to Congress. It would double discount a Donnybrook fair. There would be 300 candidates at least. [Laughter.]

During the Fifty-third Congress there was to be a meeting downtown to agitate for the restoration of self-government. I was invited to speak. I accepted the invitation. It was so announced in some of the papers. A delegation composed of Democrats and Republicans waited on me to protest. I asked them why the people of the District should not enjoy the right of suffrage. A Republican answered: "The damned niggers and poor whites would vote us into bankruptcy!"

A MEMBER. Do you say that a Republican said "damned niggers?"

Mr. CLARK of Missouri. Yes; I was told by one who claimed to know that he was a Republican.

It appears to me that it is rather late in our history to give color to the absurd and unjust proposition that a poor white is not fit to vote by disfranchising a whole populous city and district.

The refusal of the right of suffrage to the people of this District turns back the hands of the clock more than a century. It is a dangerous performance, because the plan may be copied in some other part of the Union and in every other part. It is an open confession in the face of the world that pro tanto our experiment in representative government is a failure.

I want to say here and now that if a colored man is good enough to vote in the Ninth Congressional district of Missouri, he is good enough to vote in the District of Columbia and to say how his taxes shall be levied and disbursed—to take a hand in running his own government.

I am not in favor of making an experimental governmental political station of the Sandwich Islands, as you are making one out of the District of Columbia. The truth is that for sixty years every bad piece of legislation that Congress wanted to adopt was first tried on the helpless people of this District.

If it did not destroy them, then they extended the experiment to the rest of us. [Laughter.] I agree fully with my distinguished friend from Illinois [Mr. HITT] that we can not bind the future. I wanted to bind the future when we annexed the Hawaiian Islands. We can not bind future Congresses by saying that we will not make a State out of them; but we can say that those people, being ours now, shall have a chance to educate themselves in the difficult art of self-government, and that we will not treat them in the outrageous manner in which we treat the people of this District.

I want to say further that every time we take in a new island, so far as I am concerned, you will have to extend to it the Constitution of the United States and the liberties that we enjoy. [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] asks unanimous consent to print as a part of his remarks the bill in regard to the District of Columbia and to extend his remarks in the RECORD. Without objection, it will be so ordered.

There was no objection.

Mr. SPERRY. Mr. Chairman, I should not arise at this time to say anything concerning this matter, but I want to set one thing right which has been said by the gentleman from Mississippi [Mr. WILLIAMS] about the State of Connecticut.

The State of Connecticut has been alluded to here, and so has the city of New Haven. When the State of Connecticut was formed, it was formed of the little towns which made up the State. Those little towns were unlike any other towns that I know of in the United States. Those little towns were little republics of themselves, and when the constitution of 1818 was formed a provision was inserted in the preamble that all the rights, privileges, and immunities which the people of Connecticut had received from their ancestors were vouchsafed to them under the new constitution, besides all of the original towns were given two representatives.

Now, some towns have increased largely in population. At the time our constitution was formed the towns were substantially equal in population. There was but little difference; but since then a town here and there has arisen, like New Haven, like Hartford, like the towns up through the valley of Naugatuck. Those towns have increased, but the original towns have their two representatives in the general assembly. The small original towns which have not greatly increased in population still have their

two representatives. It is a constitutional provision; it is a right which they received from their ancestors, and the reason why the representation is not changed in Connecticut to-day is as I have stated. The city of New Haven has 125,000 population, and the city of Hartford probably 80,000, but they are only entitled to two representatives under the constitution.

Now, we should not care to change places with the other towns in the State. New Haven has grown, and Hartford has grown, and yet they have only their two representatives. Now, when an attempt is made to amend the constitution, or if an amendment is offered to the constitution, the little towns largely outnumber the large towns, and the little towns are jealous of their rights, for which I do not blame them, and they do not propose to give to the cities any more representation in the general assembly than they originally had, to wit, two from each town, and only two. That is the situation in Connecticut, and I thought it was but right that I should have you understand our position, and how we have come into the situation that we are in, and how it is impossible, in my judgment, to change that system of representation. Yet the good old State of Connecticut has a history that she may well be proud of. Connecticut was the first State to give civil liberty to man by a written constitution. The Newman barn constitution at New Haven, and the Hartford, Windsor, and Wethersfield constitution will remain for all time a monument to the judgment, the wisdom, and the patriotism of the early settlers of Connecticut. [Great applause.]

Mr. KNOX. I ask for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Connecticut.

The amendment was rejected.

The Clerk read as follows:

FEDERAL COURT.

SEC. 87. That a judicial district of the United States is established for the Territory of Hawaii, to be called the district of Hawaii, which shall be included in the ninth judicial circuit of the United States. The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district. The district court for the said district shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said courts shall be held at Honolulu on the second Monday in April and October and at Hilo on the last Wednesday in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient.

Mr. LANE. Mr. Chairman, I have an amendment to that section which I wish to offer.

The CHAIRMAN. The gentleman from Iowa offers an amendment which the Clerk will report.

The Clerk read as follows:

Section 87, page 91, line 7, add the following:

"The said district judge shall appoint a clerk for said court at a salary of \$3,000 per annum, and shall appoint a reporter of said court at a salary of \$1,200 per annum."

The amendment was agreed to.

Mr. ROBINSON of Indiana. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out section 87 and insert the following:

"FEDERAL COURT.

"That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court, and said judge shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the Ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October and at Hilo on the last Wednesday in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient."

Mr. ROBINSON of Indiana. I will state to the chairman of the committee and to the members of the House that this provision is a Senate provision. I desire to call the attention of members to the further fact that by the section read in the House bill no term is fixed for the judge, the marshal, or the district attorney, nor is any reference made as to how long they shall hold.

Mr. KNOX. The court established by the House bill is a constitutional court, and the terms of its officers are regulated by law—the judge for life and the marshal for four years.

Mr. ROBINSON of Indiana. The Senate provision is to limit the terms of these three officers to six years. I think that accords with the vote of the House the other day in limiting the terms of the circuit judges to four years. There has been a theory that these officers ought to hold for a long time. In my judgment, we ought to limit the time. The amendment I offer, which is a Senate provision, limits the term of each of these officers to six years. The Senate provision also says that they shall reside in the Territory. That provision is absent in the section that I desire to have stricken out.

This provision was well considered by the Senate, and in my judgment, after carefully looking over both sections, the Senate provision which I have offered as an amendment is the better of the two.

Mr. KNOX. Mr. Chairman, the gentleman does not seem to take in the broad distinction which there is in the bill of the House from that of the Senate bill. He picks out different items without considering the broad distinction. The Senate creates a legislative court under the general power of the Constitution that Congress has authority to regulate and provide for the Territory and other property of the United States. If I may be permitted to refer to the discussion in the Senate, it turned, not upon the wisdom or desirability of a Federal court, but upon the constitutional power of Congress to create a Federal court in a Territory. Now, this provides for a Federal court, a constitutional court. If it is a constitutional court, then the tenure of its officers is regulated by the Constitution, and there is no power in this House to change it. If, on the other hand, it is changed and made a legislative court, then, of course, all its provisions are entirely within the jurisdiction of the House to change.

Now, the desirability of establishing a constitutional court is for the purpose of entirely separating the local and Territorial litigation from the Federal litigation. We make a Federal court having strictly Federal jurisdiction, from which appeals and writs of error lie to the Supreme Court and circuit court of appeals. The Senate, on the other hand, creates a district court with some Federal jurisdiction, at the same time providing that appeals and writs of error from the supreme court of the Territory shall lie to the Ninth judicial circuit. We have there a court of mixed jurisdiction, from which confusion will inevitably result. A great deal of time was spent upon the consideration of this provision and the House provision was unanimously agreed to by the committee.

Let me suggest that we will have trouble if we legislate according to the gentleman's provision. Suppose a judge is sick and that he has to go away; perhaps the President would not like to remove him, and, not being a constitutional court, the judge of the district of California could not go there to preside. I think the only fear that there was when this question was first mooted among lawyers as to Hawaii courts and the establishment of a Federal court in the Territory has passed away upon reflection and consultation, and it is for the benefit of Hawaii as a Territory that this jurisdiction be kept separate, and that they have a regular Federal court of Hawaii.

Mr. ROBINSON of Indiana. The suggestion of the amendment is that they might have an appeal to the Ninth or California district.

Mr. KNOX. Of course it does, and if that court is established they may appeal from the supreme court of the Territory, because you have a double jurisdiction. It is our purpose to entirely separate them; and I would say to the gentleman that if there is any doubt about the constitutionality of this question in conference, why, then, of course, a special provision will be adopted. I wish that the gentleman would not offer the amendment.

Mr. ROBINSON of Indiana. Upon the suggestion that this matter will go into conference anyway, I will not insist upon it.

The CHAIRMAN. The amendment is withdrawn.

Mr. LANE. What about my amendment?

The CHAIRMAN. It is adopted.

The Clerk read as follows:

SEC. 92. That the public property ceded and transferred to the United States by the republic of Hawaii under the joint resolution of annexation, approved July 7, 1898, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii.

Mr. KNOX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 93, section 92, line 2, add the following:

"And all moneys in the Hawaiian treasury and all the revenues and other property acquired by the republic of Hawaii since said cession shall be and remain the property of the Territory of Hawaii."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 93. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, \$5,000; the secretary of

the Territory, \$3,000; the United States district judge, \$5,000; the United States marshal, \$2,000; the United States district attorney, \$2,000. And the governor shall receive annually, in addition to his salary, the sum of \$500 for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of \$2,000 annually for his private secretary.

Mr. KNOX. Mr. Chairman, I have an amendment I desire to offer to that section.

The Clerk read as follows:

On page 93, section 93, in line 6, after the word "dollars," add the words "and the chief justice of the supreme court of the Territory, \$5,500, and associate justices, \$5,000."

The question was taken, and the amendment was agreed to.

Mr. ROBINSON of Indiana. I offer an amendment to follow the last amendment. I would like to have the attention of the gentleman from Massachusetts to this amendment.

The Clerk read as follows:

Add, after the word "judge" of the last amendment, "salaries of the said chief justice and associates of the supreme court and the judges of the circuit court, as above provided for, shall be paid by the Territory of Hawaii."

Mr. ROBINSON of Indiana. That provides that the salaries of the United States courts, the stenographer, and clerk shall be paid by the United States, and the salaries of the Territorial judges shall be paid by the Territory of Hawaii.

Mr. KNOX. What salaries?

Mr. ROBINSON of Indiana. The salaries of the Territorial judges shall be paid by the Territory.

Mr. KNOX. The circuit court judges?

Mr. ROBINSON of Indiana. And the judges of the supreme court of Hawaii.

Mr. KNOX. Well.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

PROCEEDINGS FOR OPENING FISHERIES TO CITIZENS.

SEC. 97. That any person who claims a private right to any such fishery shall, within two years after the taking effect of this act, file his petition in a circuit court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the attorney-general, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law.

That if such fishing right be established, the governor of the Territory of Hawaii may proceed, in a manner provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated.

Mr. GILBERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amend section 97 by striking out the last five words, to wit—

Mr. GILBERT. Mr. Chairman, I withdraw it. There was a break in the section. When I drafted the amendment it occurred to me that that was not the section. What I meant to offer as an amendment is this: In line 23, section 97, the last five words are, "an ordinary action at law." I want to insert in lieu of those words "ordinary actions at law or in equity." The committee seem to assume that—

The CHAIRMAN. The gentleman will please suspend and send the amendment to the desk. It will then be reported to the committee.

The Clerk read as follows:

Amend section 97 by striking out the last five words in line 23, to wit, "an ordinary action at law," and substitute these words: "ordinary actions at law or in equity."

Mr. GILBERT. Now, Mr. Chairman, as I said, the amendment is not very material, but it ought to be inserted, because the report of the committee seems to assume that in settling controversies in the court upon questions of that sort it is always a purely legal issue. Lawyers know that that sort of question is very frequently by equity suit, and it ought to be ordinary actions at law and actions in equity.

Mr. FINLEY. Will the gentleman permit me to ask him a question?

Mr. GILBERT. Certainly.

Mr. FINLEY. If I understood the gentleman's amendment, it is this: If in the settlement of property rights condemnation proceedings were necessary, it should be in courts of law or in courts of equity. Is that correct?

Mr. GILBERT. It is.

Mr. FINLEY. I would like to ask the gentleman this question: Does he not think that the provision of the Constitution of the United States providing that no property shall be taken for public use without due process of law means a trial by jury, and therefore is an action at law?

Mr. GILBERT. In the Kentucky practice in a proceeding for the condemnation of property for public uses we do not necessarily have a jury. I think this means process by due course of law in the courts. We do not necessarily have a jury trial.

Mr. KNOX. I wish to say that this question does not deal with the right but with the method of procedure. Some method of procedure must be provided, in the same way as taking lands for a public highway. When you condemn property for a public use

and compensation is made according to a certain method of procedure, we provide the method by which it shall be done, the same as an action at law. If you include equity in it, then no method of procedure is provided.

Mr. GILBERT. The gentleman does not catch the force of my amendment. The bill restricts the procedure to common-law cases. By the terms of your bill the vested right is destroyed unless the party can vindicate it in court by a common-law issue, by a trial by ordinary proceedings at common law. Now, by this amendment I merely broaden the rights of the man who is claiming the vested right, so that if he can show the courts that he has a vested right in the property, as the issue is an equitable one, he can maintain it. His right to property is none the less if it is an equitable one, but upon the terms of this bill he is confined to a common-law action as contradistinguished from an equitable proceeding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. GILBERT].

The amendment was disagreed to.

Mr. KNOX. Mr. Chairman, I have an amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

On page 94, section 97, line 34, strike out the words "the governor" and insert in lieu thereof "the attorney-general."

The amendment was agreed to.

Mr. ROBINSON of Indiana. Mr. Chairman, I will ask unanimous consent to return to the amendment adopted on the question of salaries of judges being paid by the Territory of Hawaii, and ask to add an amendment.

Mr. KNOX. What section is it?

Mr. ROBINSON of Indiana. I will ask the Clerk to read the original amendment.

The Clerk read as follows:

The salaries of said chief justice and associate justices of the supreme court and the judges of the circuit court as above provided shall be paid by the Territory of Hawaii.

Mr. ROBINSON of Indiana. That was the amendment adopted. Now, I propose an amendment to that.

The CHAIRMAN. The gentleman asks unanimous consent to return to section 93 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

The judges of the circuit courts, of whom the two judges for the first circuit shall each receive an annual salary of \$4,000, and the judges for the second, third, fourth, and fifth circuits, respectively, an annual salary of \$3,000 each.

The amendment was disagreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 99. That all vessels carrying Hawaiian registers, permanent or temporary, on August 12, 1898, together with the following-named vessels claiming Hawaiian register, *Star of France*, *Euterpe*, *Star of Russia*, *Falls of Clyde*, and *Wilcott*, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto.

Mr. GROSVENOR. Mr. Chairman, I want to hear from the chairman of the committee some explanation of this section of the bill, which, in my judgment, ought not to be in the bill at all, because of the superior jurisdiction of the maritime laws of the United States over the Territorial law, and particularly because of certain dangerous provisions in the bill, or rather the lack of a careful provision, in my judgment.

Mr. KNOX. Mr. Chairman, this section provides that Hawaiian ships—ships that had a Hawaiian register at the time of annexation—are given a United States register. They could have no other register; they would be sailing without a flag and without a nationality. The Hawaiian flag went down upon the government building in Hawaii on August 12, 1898, and the American flag was raised with proper ceremonies. No flag of Hawaii from that moment means anything, and a vessel sailing under a Hawaiian flag is sailing under no flag and no nationality.

Now, there were brought to the attention of the committee by many gentlemen claims that there were other vessels than those which had a Hawaiian register that were entitled to a Hawaiian register upon this ground; that they had been bought in good faith by Hawaiians and intended for a Hawaiian register, but sailing under a temporary register, or sea letter, and without any notice of this transfer of sovereignty or of the annexation resolution. Now, if that were so, then they should be entitled to the benefits of this register; but there were statements made that there were very many vessels that would claim the benefit of this American register, and you can see that it would be a matter of thousands of dollars in the pockets of anyone who could obtain an American register by claiming that they were purchased and intended for a Hawaiian register.

So the committee, fearing the result of a general provision, and the number who would claim that they owned vessels intended

for a Hawaiian register, heard and voted upon the particular cases presented in order to determine as a question of fact whether these vessels were purchased in good faith, purchased without the knowledge of a transfer of Hawaii to the United States. And the committee, having heard these cases, named these vessels in this section, so that there might be no mistake whatever, and no claim made hereafter by men seeking to get in and get a United States register by claiming that they were intended for the Hawaiian register.

Mr. GROSVENOR. Mr. Chairman, I move to amend by inserting, after the word "eight," in line 5 of section 99, these words:

And which were owned bona fide by citizens of the United States or citizens of Hawaii.

Mr. Chairman—

Mr. KNOX. I make no objection to that amendment.

Mr. GROSVENOR. But I want to say a few words upon it.

Mr. KNOX. All right.

Mr. GROSVENOR. This provision of the bill is an attempt to legislate about matters that do not belong to any Territorial organization; but to that I shall not make any strong objection. A bill is already pending, and will no doubt be passed, with the proper limitations and restrictions, admitting to American registry all vessels that ought to be covered by any act of the United States. In the investigation which the Committee on the Merchant Marine and Fisheries has made it appears that following the annexation of these islands a very loose system of registry was in vogue, and a great many ships suddenly took on Hawaiian registries, so as to get into our coastwise trade by this loose system of registry, when they could not have gotten in in any other way. These registries were issued to foreign ships, strictly foreign ships, that had no possible connection with our merchant marine.

Now, the purpose of this amendment is to minimize, at least, the injury which I think this bill is liable to do, by providing that at the time of registry these ships must have been owned by American citizens or citizens of Hawaii. As the bill stands now, anybody who during that period of time secured surreptitiously an American register can come right in under the provisions of the bill.

Mr. KNOX. Mr. Chairman, only a word. As to our committee usurping any jurisdiction, let me say that this bill, with the provision to which the gentleman objects, was recommended by the commission which Congress authorized and the President appointed and which visited Hawaii. We took the bill as we found it, with this provision.

The question being taken on the amendment of Mr. GROSVENOR, it was agreed to.

Mr. CUSHMAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Immediately after section 99 add the following:

"SEC. —. At the expiration of one year after the passage and approval of this act the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two coasting districts, except those provisions relating to license and enrollment: And provided, That such vessels must sail under a register."

Mr. CUSHMAN. Mr. Chairman, the amendment which I have offered and which has just been read is one that was adopted upon my suggestion by the committee, and has the unanimous indorsement of that committee.

This amendment, in substance, simply provides that the shipping laws of the United States governing the coasting trade shall be extended to and include the Territory of Hawaii; provided that such law shall not be in force and effect until one year from and after the passage and approval of this act.

It may be said by some that this amendment of mine is not in favor of American shipping interests, because it will leave this field open to foreign vessels for the period of the next year. However, in truth and in fact, my amendment is designed for the benefit and encouragement of American shipping interests.

Let me illustrate briefly the practical application of this amendment of mine. At the present time there are not anywhere near a sufficient number of vessels engaged in the trade between the United States and Hawaii, either to carry into Hawaii the products of this country or to carry from Hawaii her products. This present scarcity of vessels will be greatly increased during this summer, when every available vessel on the Pacific coast will be engaged in the Alaskan trade. The great gold excitement at Nome, Alaska, will take every available vessel on the coast, because the profits of the Alaskan run are much greater than those of the Hawaiian run. Then that will leave us with not enough American vessels to carry on this trade. If the coasting laws are now extended to this Territory of Hawaii, this extension to take effect upon the passage of this act, then all foreign vessels—which are now carrying our Puget Sound trade with Hawaii—will be driven out. Then we will have neither foreign vessels to carry the trade nor American ships to take the place of the foreign ships.

There is no man in this House who is more anxious to build up American shipping than I am and who will go further with his vote to favor American shipping; but I do not want this bill passed without my amendment, for in effect it would destroy our traffic with Hawaii by taking away our foreign ships without giving us anything in their place. Do not let us destroy what we now have until we are ready to replace it with something else equally as good.

It will take at least a year for any shipyard to build a ship suitable for the trade between the Pacific coast and Hawaii. If my amendment shall prevail, this will be notice to every Hawaiian transportation line that within a year after the passage of this act, if they expect to continue in this trade, they must have American ships to do the carrying trade. Hence they will at once place their orders for ships for this traffic, and thus will my amendment offer encouragement for the upbuilding of American shipping.

If the amendment shall not prevail, we of the Pacific Northwest will be left for the next year with no carrying trade to and from Hawaii, and the transportation companies, who have at great expense been the pioneers in building up this trade, will lose the money they have spent in building it up, and neither the American people nor the Hawaiian people will benefit thereby, but the products of each country will lie rotting for a year waiting for a market.

Mr. Chairman, I trust my amendment will prevail.

The question being taken, the amendment of Mr. CUSHMAN was adopted.

The Clerk read as follows:

SEC. 100. That the portion of the public domain heretofore known as crown land is hereby declared to have been on August 12, 1898, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law.

Mr. McRAE. I move to amend the paragraph just read by striking out, in line 17, the words "alienation and other uses" and inserting in lieu thereof the words "such disposal," so as to read: "It shall be subject to such disposal as may be provided by law."

Mr. KNOX. It seems to me that the change of language does not make any difference whatever in the effect of the provision.

Mr. McRAE. I submit that the words proposed in my amendment are the proper words to be used in reference to the public domain.

The question being taken on the amendment; there were—ayes 46, noes 60.

So the amendment was rejected.

The Clerk read as follows:

SEC. 102. That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892, as amended by an act approved November 3, 1893, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May 5, 1892," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates.

Mr. KNOX. I move to amend by adding at the end of the section just read the following:

Provided, however, That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or district of the United States from the Hawaiian Islands.

The amendment was agreed to.

Mr. DE ARMOND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend by striking out all of section 102 and inserting in lieu thereof the following:

"SEC. 102. All Chinese and other Asiatics who came or were brought into Hawaii since August 12, 1898, under any contracts or contract whereby they bound themselves or are or were bound to any term of service, shall depart therefrom and from the United States within one year from the taking effect of this act; and any such persons being in Hawaii or elsewhere within the United States after the expiration of such period shall be dealt with as if found within the United States in violation of the Chinese exclusion act."

Mr. DE ARMOND. Mr. Chairman, the object of that amendment is plainly apparent from the reading of it. Since August 12, 1898, many thousand Chinese and other Asiatics have been brought to the Hawaiian Islands under labor contracts, and they are there now. If this amendment be adopted these people will have to take themselves away or be taken away within a year after the taking effect of this act, and such of them as may fail to go at the expiration of that time will be there in violation of the laws for the exclusion of Chinese, and will be deported or otherwise dealt with, as other Chinamen violating the Chinese exclusion act.

Mr. BARHAM. Will the gentleman allow me there?

Mr. DE ARMOND. Yes.

Mr. BARHAM. This is a substitute for section 102?

Mr. DE ARMOND. Yes.

Mr. BARHAM. Now, if your amendment is adopted, it will let into the United States all of the Chinese that are not there under

labor contracts, and you certainly do not want that. You certainly do not want this section stricken out. It would let them all into the United States. The section as amended by the amendment offered by the chairman of the committee [Mr. KNOX] brings the Chinese in that island all under the exclusion act and prohibits them from coming to the United States from that island. If you add this to the section as amended by the chairman, then it would have force and effect, but you ought not to offer your amendment in lieu of that.

Mr. DE ARMOND. It did not seem to me from the reading of the amendment that the proposition I offer would have that effect; but it may have, and in order to obviate that I will offer it as a new provision, a new paragraph. My amendment was drawn for the section as it was before any amendment to it had been adopted.

The CHAIRMAN. Without objection, the amendment will be considered as offered in that way.

Mr. KNOX. I did not hear the gentleman's remark. This amendment would leave all the Chinese and Japanese in the island who were there previous to that time. If the gentleman's amendment is to be offered, it should be offered as a new paragraph.

Mr. DE ARMOND. I offer it as a new paragraph.

The CHAIRMAN. Without objection, that course will be pursued.

Mr. SNODGRASS. I should like to ask the gentleman a question. You say that all Chinese and Asiatics that have been brought into those islands under contracts shall depart in one year or be dealt with in accordance with the provisions of the Chinese-exclusion act. What are the provisions of that act?

Mr. DE ARMOND. Oh, I have not time to go into that.

Mr. SNODGRASS. If those people have been brought to those islands—

Mr. DE ARMOND. I can not yield to the gentleman for a speech in my time, nor could I read the provisions of the Chinese-exclusion act in twice five minutes.

Mr. SNODGRASS. I wish to be heard in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] has the floor.

Mr. DE ARMOND. The object of the amendment is to prevent the coming into the United States and to take away from Hawaii those Asiatic laborers who came in under contract—some twenty-five or thirty thousand of them. It is not enough that the amendment offered by the gentleman from Massachusetts [Mr. KNOX] may exclude them from the United States proper. Whether it does it I can not tell, because I merely heard the amendment as it was read in the confusion of the House; but granting that it does, that, to my mind, is not sufficient. They ought not to remain in Hawaii. The contract system ought not to be maintained there, but they should be deported and should be dealt with in Hawaii, as well as in other parts of the United States, as are Chinese here against the provisions of our law, made, I suppose, for due reason and sufficient cause for the exclusion of the Chinese. I would like to have these contract laborers taken out of the Hawaiian Islands as well as prevented from coming to any other part of the United States. The amendment now pending, I think, will have that effect.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. KNOX. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. DE ARMOND. I do not care for that much time. I only want a moment.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. DE ARMOND. It will supplement that which the gentleman from Massachusetts sought to accomplish by the amendment offered by him to the section. As I caught the reading of his amendment, I think that the two provisions are in harmony and not at all in conflict.

I think it is entirely right to prevent any and all of the Chinese in the Hawaiian Islands from coming to any other part of the domain of the United States of America and that it is also proper and right and highly desirable to have all of the Chinese who are there under this contract-labor system taken hence as soon as possible. A year is a reasonable time in which to quit our domain without hardship to them.

Mr. BARHAM. The gentleman's amendment does not now propose to strike out the other, as I understand it.

Mr. DE ARMOND. This is a new proposition.

Mr. BARHAM. I should like to have the amendment reported.

The CHAIRMAN. Without objection, the amendment will be reported in its present form.

The Clerk read as follows:

Amend by inserting the following at the end of section 102:

"All Chinese and other Asiatics who came or were brought into Hawaii

since August 12, 1898, under any contracts or contract whereby they bound themselves, or were or are bound to any term of service, shall depart therefrom and from the United States within one year from the date of the taking effect of this act, and any such person being in Hawaii or elsewhere in the United States after the expiration of said period shall be dealt with as if found within the United States in violation of the Chinese-exclusion act."

Mr. SNODGRASS. Mr. Chairman, the people affected by this provision are poor people. They may not be able to get away at the end of the time mentioned; and I think if that amendment is adopted, there ought to be some provision requiring the persons who brought them into those islands under labor contracts to aid them to get away. If we are going to deal with them thus summarily, we ought to provide some way that they may be carried back.

Mr. ROBINSON of Indiana. That is provided for in the Chinese-exclusion act.

Mr. SNODGRASS. That is what I wished to ask the gentleman from Missouri when I addressed an inquiry to him, with reference to the provisions of the exclusion act. Is that a provision of that act?

Mr. ROBINSON of Indiana. It is.

Mr. SNODGRASS. Then I withdraw all opposition to the amendment.

The amendment offered by Mr. DE ARMOND was agreed to.

Mr. NEWLANDS. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Nevada offers an amendment which will be reported by the Clerk.

The amendment was read, as follows:

Amend section 102 by adding:

"That there shall be a commissioner of labor, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall hold his office for four years, unless sooner removed, whose duty shall be to acquire and diffuse among the people of Hawaii useful information on subjects connected with labor, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

"It shall be his duty to make annual reports to the governor and legislature of the Territory of Hawaii, and also to the Department of Labor in the United States. The commissioner of labor is also specially charged to investigate the causes of and facts relating to all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of Hawaii, and to report thereon to the legislature of Hawaii and to the Department of Labor in the United States. The commissioner of labor shall annually make a report in writing to the governor and legislature of the Territory of Hawaii, as well as to the Department of Labor in the United States, of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the Department. He shall require such statements as may be prescribed by the Department of Labor in the United States, from all employers of labor, as to the number of laborers employed, the nationality of the laborers, the daily, weekly, and monthly wages paid, and such other information as the Department of Labor may require. Any failure to make such a statement by any person or corporation shall subject such person or corporation to a penalty of \$100 for each and every refusal, to be collected and enforced by the government of the Territory of Hawaii in the courts of Hawaii, and to such other additional penalties as may be prescribed by the legislature of the Territory of Hawaii. The legislature of Hawaii may add to the powers and duties of the commissioner of labor as herein prescribed, and may prescribe additional penalties."

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to provide for the appointment of an official whose special duty it shall be to inquire into all questions relating to labor in the Hawaiian Islands, to collect and present statistics both to the governor of Hawaii, the legislature of Hawaii, and the Department of Labor at Washington. It provides that this commissioner shall be appointed by the President, for the reason that I deem it unwise that this appointment should be given to the governor of the Territory, or that the labor commissioner should be elected by the people there. The great danger to Republican institutions in those islands arises from their system of land tenure, which means centralization of land ownership in corporations of large capital, for the plantations are almost universally held and owned by corporations, and from the labor system that has prevailed there.

Mr. COX. Will the gentleman allow me to ask him one question there?

Mr. NEWLANDS. Very well.

Mr. COX. I could not determine from your amendment what term of office is fixed or the salary?

Mr. NEWLANDS. The term is fixed at four years. I have not provided for the salary. This commissioner should be appointed by the President of the United States, because we should see to it that a republican government is maintained there; and the danger to republican government largely arises from the system of labor which the governing class there seek to maintain. Reports are to be made not only to the governor and the legislature of those islands, but to the Department of Labor in the United States, so that his reports to us annually may present all the statistical information. Now, it has been the custom in almost every State in the Union to appoint such commissioners of labor and to organize such departments of labor.

They have done great and efficient work. We have a Commissioner of Labor of the United States and a United States Department of Labor, and the work of that department has been most

beneficial. It seems to me that we can not properly organize the government of Hawaii unless we provide for a department whose special function it is to collect statistical information in relation to the labor conditions of that country and to present it to the local governing body and the supervising and controlling Government of the United States.

Mr. KNOX. Will the gentleman permit me to ask him a question?

Mr. NEWLANDS. Certainly.

Mr. KNOX. Does not the jurisdiction of our Labor Commissioner extend to-day to the Territories?

Mr. NEWLANDS. No; I do not so understand. I present this amendment after consultation with the Labor Commissioner to-day.

Mr. KNOX. Mr. Wright. Does he approve it?

Mr. NEWLANDS. There are some additions made; but nothing at all that antagonizes his recommendation.

Mr. McRAE. I would like to ask the gentleman a question.

Mr. NEWLANDS. Certainly.

Mr. McRAE. Can not he so modify his amendment as to impose these duties upon the commissioner of agriculture and forestry there?

Mr. NEWLANDS. The commissioner of agriculture and forestry there is elected by the people.

Mr. McRAE. If you require him to perform this duty, I think it will be a saving to the government.

Mr. NEWLANDS. I do not want this duty to be performed by any official who will be a representative of the very land system which is interested in maintaining and preserving this system of labor. I wish this commissioner to be appointed by the President of the United States.

Mr. McRAE. The objection I see to it is that he has very little to do, and this other officer has very little to do, and these are two big salaries.

Mr. NEWLANDS. That can be taken in hand by the conferees and disposed of.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Nevada.

The question was taken; and the Chairman announced that the "noes" appeared to have it.

Mr. NEWLANDS. I call for a division.

The committee divided; and there were—ayes 39, noes 83.

So the amendment was rejected.

Mr. NEWLANDS. I offer the following amendment.

The Clerk read as follows:

Amend section 102 by adding:

"That it is hereby declared to be the purpose of the United States to promote the increase of free white labor in the Territory of Hawaii and to discourage the employment of Asiatics, and to that end it is enacted that every corporation employing labor in Hawaii shall, within one year from the passage of this act, employ at least one-tenth of its laborers from citizens of the United States, citizens of the Territory of Hawaii, and other free white persons, and that such corporations shall increase the number of such laborers one-tenth annually, until at least three-fourths of their laborers shall be citizens of the United States, citizens of the Territory of Hawaii, or other free white persons. Any violation of this provision shall subject the corporation guilty of such violation to the forfeiture of its franchise and to such other penalties as may be prescribed by the legislature of Hawaii."

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to gradually relieve Hawaii of the intolerable conditions arising from the employment of Asiatic labor. As it stands to-day these islands are almost entirely devoted to the production of sugar, a production which has been made vastly profitable by the markets which this country has afforded. Lands have risen to fabulous values. The prices received for their products and the profits made have been such as to warrant the employment of a higher class of laborers and a much more expensive system of labor.

Notwithstanding that fact, these corporations which own or control almost all the sugar lands and whose influence is potential in government have steadily encouraged Asiatic immigration to those islands, instead of endeavoring to increase white immigration to those islands. Their contention has been that the climate is unsuited to white labor. I have it from those who are informed as to the climate that it is not unsuited to white labor, and especially not unsuited to those white laborers who live in semitropical countries and semitropical climates, such as the Portuguese and Italians, who constitute a most useful portion of our population, whose children are educated in our schools, and who soon become, as citizens of a republican government, devoted to its institutions and its principles.

Now, the question is, How can we relieve these islands from the incubus that has been fastened upon them by a false labor system without injustice to existing rights and without the destruction of the business now conducted there? It is obvious that it must be gradually done. We can accomplish it by the control which the State has over the corporations which it creates. The Government can determine the class of labor which these corporations shall employ, and it can subject them to the penalty of for-

feiture of their franchises if they violate the injunction of the law.

These corporations control all the sugar lands of Hawaii; and as that is the occupation which employs almost all the laborers in that country, by controlling the corporations in the employment of Asiatic labor you regulate the evil complained of.

Now, I provide in this amendment for the gradual increase in the white labor employed by these corporations. The amendment provides for the employment of one-tenth within the first year and an increase of one-tenth every year, until at least three-quarters of the employees of these corporations shall be citizens of the United States, which includes white and black citizens of the United States, citizens of the Territory of Hawaii, which includes the Kanakas and other white people, such as Italians and Portuguese, who can migrate to these islands, and thus gradually three-quarters of the now Asiatic population of these islands will increase by the addition of such persons, white or black, as are now citizens of the United States and by the immigration of laborers of the white race who are accustomed to a semitropical climate.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. NEWLANDS. I ask an extension of five minutes.

The CHAIRMAN. The gentleman from Nevada asks that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Now, will the gentleman yield to me for a question?

Mr. NEWLANDS. Just for a question.

Mr. COX. Why do you exclude the negro there?

Mr. NEWLANDS. I do not.

Mr. COX. You say free white people.

Mr. NEWLANDS. No, I do not; I say citizens of the United States, citizens of the Territory of Hawaii and other free white persons. Now, citizens of the United States includes the negroes that are in the United States.

Mr. COX. Well, put my nigger in, and that is all I want. [Laughter.]

Mr. NEWLANDS. Negroes of the United States can go to these islands. The plan which I advocate will not work any violent change in the existing system of labor, nor will it operate in the end to the disadvantage of the capital employed there. I am as anxious as anyone to avoid that. The process is merely one which reaches out for corporations which are creatures of the State and whose franchises are subject to the control of the State. It exercises a reasonable control over their employment of labor, to the advantage of the Government and to the advantage of the republican institutions.

Nor will it work an injustice to the Asiatic labor now employed there. The change will be gradual; and as these islands grow in business, as they are bound to do, it is probable that the Asiatic laborers now employed there and displaced by the gradual system which this amendment provides for will be absorbed by new enterprises, or will be glad to return to their homes with the accumulations which most of them acquire.

Mr. KNOX. Mr. Chairman, I have only one word to say in regard to this amendment, and that is, I trust that it will not prevail. The labor problem in Hawaii is a very difficult one and a very uncertain one, and what the future result is going to be there no one can foresee. The hope is, and the best hope is, that as these valuable lands which are now leased on long terms of years expire, and as they become a part of the public domain, inasmuch as under this bill no future leases but for a short term can be made except by an act of Congress, it is the hope that these lands will be taken, not by men who my friend says work for corporations, but that they will be taken by individuals who go to Hawaii in good faith to take these lands as homesteaders.

Mr. NEWLANDS. The gentleman has reference to the crown lands.

Mr. KNOX. I refer to all public lands. This is the best hope for Hawaii. Now, the great corporations that are there, which own the great sugar plantations and great rice fields, I do not believe with reference to them that any Americans are going there to work in the rice fields. I do not believe that citizens of the United States, the men who have the enterprise to-day, who go to Alaska, are going to Hawaii to work on a sugar plantation.

I believe the best hope for the Asiatics, the Japanese, and the Chinese is that they may acquire sufficient of their own means to buy these lands and own small plantations and have families there. I do not believe in opening the door and saying that these Chinese and Japanese shall ever be citizens of the United States; and I do not believe that anyone will ever work in the rice fields in Hawaii or in a tropical country unless he be a Chinaman or a Japanese or some native of a tropical country.

Mr. NEWLANDS. Are there any rice fields in Hawaii?

Mr. KNOX. Oh, yes.

Mr. NEWLANDS. How extensive?

Mr. KNOX. I do not know, but the report will give you the information.

Mr. HITT. It is the third export of the island.

Mr. FINLEY. I think it is the second industry in the island.

Mr. KNOX. Yes; I think it is the second. These great products will never be produced by American workmen.

The CHAIRMAN. Debate on this amendment is exhausted. The question is on agreeing to the amendment offered by the gentleman from Nevada [Mr. NEWLANDS].

The question was taken; and on a division (demanded by Mr. NEWLANDS) there were 34 ayes and 77 noes.

So the amendment was disagreed to.

Mr. KNOX. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 16, page 97, insert two new sections, numbered 104 and 105, as follows:

"Sec. 104. That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of the Treasury, in the execution of the agreement of the United States as expressed in an act entitled 'A joint resolution to provide for annexing the Hawaiian Islands to the United States,' approved July 7, 1898, shall pay the amounts on deposit in Hawaiian Postal Savings Bank to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their demands for payment. So much money as is necessary to pay said demands is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available on and after the 1st day of July, 1900, when such payments shall begin, and none of said demands shall bear interest after said date and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his warrant for the amount due upon the Treasurer of the United States, and when the same are so paid no further liabilities shall exist in respect of the same against the Government of the United States or of Hawaii.

"Sec. 105. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the 1st day of July, 1900, and any assets of said bank, shall be turned over by the government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be started, as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank."

Mr. KNOX. Mr. Chairman, this amendment simply carries out the provisions of the annexation resolution for closing up the Hawaiian Postal Savings Bank. It is in the exact language recommended by the commission and adopted by the Senate.

The amendment was agreed to.

Mr. HILL. I move to add as a new section the paragraph which I send to the desk.

The Clerk read as follows:

Sec. 105. Nothing in this act shall be construed, taken, or held to imply a pledge or promise that the Territory of Hawaii will at any future time be admitted as a State or attached to any State.

Mr. KNOX. I reserve a point of order on that amendment.

Mr. HILL. Mr. Chairman, the number of eligible voters in the republic of Hawaii to-day is 3,800. If this bill should become a law now, there would be to-morrow 15,000 such voters. I submit that this is rather a sudden absorption of the privileges and responsibilities of American citizenship. I submit, furthermore, that the committee itself feels precisely in the same way in regard to this matter; for I wish to read a clause in their report in regard to the qualifications of voters for senators, being a property qualification which I do not approve. The committee say:

The amendment striking out all property qualifications for electors of senators was made on account of great opposition made to this provision, both in the committee and by other Representatives. It appeared that such a qualification had heretofore existed in Hawaii, and this fact had been salutary, and it is hoped—

A hope in which "the gentleman from Connecticut" most heartily joins—

and it is hoped that this amendment will not unfavorably affect either the character of so important a body as the senate of Hawaii or ever be the means of vicious legislation.

I regret that this legislation should be framed in so hasty and inconsiderate a manner that the committee itself feels called upon to apologize when the bill is here for the organization of this Territory.

No harm whatever can come from the passage of the amendment I have just offered. It commits Congress to nothing. It simply says that this bill and the admission of this Territory shall not be taken or construed as a pledge for the admission of the Territory to statehood either in the immediate or the distant future.

Mr. CANNON. Whether the amendment be adopted or not, is there anything in this bill which commits the Congress of the United States or the people of the country to admit this Territory to statehood?

Mr. HILL. I think there is, so far as the sentimental side of the question is concerned. The American people look upon the authorization and full organization of a Territory as the first step toward statehood. It has always been so construed; it always will be so construed. By the adoption of this amendment we shall simply put ourselves on record as declaring that this legislation is not adopted with that end in view.

Allow me a moment—

The CHAIRMAN. The committee will be in order. Debate upon this amendment is exhausted except by unanimous consent. [Cries of "Vote!" "Vote!"]

Mr. HILL. I ask unanimous consent—

The CHAIRMAN. The gentleman from Connecticut [Mr. HILL] asks unanimous consent to address the committee. Is there objection? The Chair hears none.

Mr. HILL. Mr. Chairman, I would state in reply to the elegant remark of the chairman of the Committee on Territories that the amendment offered by me is the precise amendment which the junior Senator from the State of Massachusetts was reported in the papers to have stated that he would have offered if he had had an opportunity.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. PAYNE having taken the chair as Speaker pro tempore, a message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On April 2, 1900:

H. R. 541. An act granting a pension to Ellen Norwood;
H. R. 539. An act granting a pension to Louisa S. Wilson;
H. R. 1989. An act granting a pension to Marie Wiersang;
H. R. 2792. An act granting a pension to Peter Cummings;
H. R. 4854. An act granting a pension to James L. Whidden;
H. R. 5229. An act granting a pension to Sarah Potter;
H. R. 5949. An act granting a pension to Frederick Weber;
H. R. 5544. An act granting a pension to Lona A. Morgan;
H. R. 6092. An act granting a pension to Louisa Stearns;
H. R. 6028. An act granting a pension to John H. Meeker;
H. R. 6139. An act granting a pension to Lucinda Haggard;
H. R. 206. An act granting an increase of pension to Isaac D. Smith;

H. R. 1944. An act granting an increase of pension to Eli C. Walton;

H. R. 3809. An act granting an increase of pension to Elisha B. Seaman;

H. R. 2389. An act granting an increase of pension to Edward Boyle;

H. R. 2382. An act granting an increase of pension to Eli Overhultz;

H. R. 3966. An act granting an increase of pension to David Talmon;

H. R. 3470. An act granting an increase of pension to George W. Weeden;

H. R. 2802. An act granting an increase of pension to John W. Brisbois;

H. R. 4441. An act granting an increase of pension to Samuel C. Krickbaum;

H. R. 4298. An act granting an increase of pension to John M. McCord;

H. R. 5126. An act granting an increase of pension to James J. McManis;

H. R. 5180. An act granting an increase of pension to Thomas Adams;

H. R. 4961. An act granting an increase of pension to Margaret Gangloff;

H. R. 5546. An act granting an increase of pension to George White;

H. R. 6031. An act granting an increase of pension to James W. Carmody;

H. R. 6144. An act granting an increase of pension to Margaret A. Porter;

H. R. 6911. An act granting an increase of pension to James R. Sawtell;

H. R. 7114. An act granting an increase of pension to John S. Parker;

H. R. 7368. An act granting an increase of pension to Sherman D. Plues;

H. R. 7622. An act granting an increase of pension to Peter M. Heaton; and

H. R. 7806. An act granting an increase of pension to Samuel Lybarger.

On April 3, 1900:

H. R. 5139. An act for the relief of Joseph Bacigaluppi and others.

On April 4, 1900:

H. R. 6627. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1901, and for other purposes;

H. R. 7941. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1901;

H. R. 99. An act to establish a military post at or near Des Moines, Iowa;

H. R. 1763. An act granting a pension to Ella F. Sydnor;

H. R. 3012. An act granting a pension to Sarah Claggett;

H. R. 470. An act granting a pension to Jane Dykes;
 H. R. 6701. An act granting a pension to Sereida C. McGrew;
 H. R. 6700. An act granting an increase of pension to Maria Andrews;
 H. R. 3538. An act granting an increase of pension to Charles Ross; and
 H. R. 2597. An act granting an increase of pension to Charles Kauffung.
 On April 5, 1900:
 H. R. 8128. An act to establish light and fog signal at Browns Point, in Puget Sound.

*** GOVERNMENT FOR HAWAII.

The committee resumed its session.
 Mr. WILLIAMS of Mississippi. I ask unanimous consent to address the committee.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to address the committee. Is there objection?
 There was no objection.

Mr. WILLIAMS of Mississippi. Mr. Chairman, there are two opinions as to the legal status of Territories of the United States. One is that under the Constitution every Territory is necessarily in process of formation for statehood. The other is that this view is a mere dictum of a court and is not law.

Now, let us take both sides of that proposition. If the announcement of the court be a decision, then the amendment of the gentleman from Connecticut [Mr. HILL] would place upon the statute books an unconstitutional pronouncement. If, upon the other hand, the contention of the other side is correct and the announcement of the court be mere obiter dictum and it be not true that a Territory is necessarily a country in process of formation for statehood, then the gentleman's amendment is unnecessary.

Now, why is it unnecessary? For two reasons: First, if Congress desires to prevent Hawaii from becoming a State it has a very easy method of preventing it, and that is simply never to vote to make Hawaii a State. And then there is another reason why it is unnecessary. Even if this Congress could bind all successive Congresses, as far as any Congress can possibly bind another, by an utterance to the effect that Hawaii should never become a State, that act of this Congress could be repealed by the very next Congress, or the very next Congress after that, if that Congress chose. Therefore I think I agree with the gentleman who is chairman of the committee, without repeating the language of my old friend Mr. Walker, that this thing is "demnition nonsense," either because it is unconstitutional or else because it is unnecessary. [Applause.]

Mr. RIDGELY. Let us have the reading of the amendment again.

The amendment was again reported.

Mr. RIDGELY. I move to amend by striking out the last word of the amendment.

The CHAIRMAN. That motion is not in order, this being an amendment to an amendment. The question is on the amendment offered by the gentleman from Connecticut.

The amendment of Mr. HILL was rejected.

Mr. KNOX. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

In place of section 103 of the bill insert a new section, to be numbered 105, and to read as follows:

"SEC. 105. This act shall take effect sixty days from and after the date of the approval thereof, excepting only as to section 52, relating to appropriations, which shall take effect upon such approval."

Mr. RIDGELY. Mr. Chairman, I will not take the full time apportioned to me, but I wish at this stage of our proceedings to call the attention of members here to the fact that while we are claiming that these new possessions are to give us an outlet for our labor element, we have by our action here refused the very conservative provision offered by the gentleman from Nevada [Mr. NEWLANDS], providing that the people in Hawaii employing labor shall gradually give preference to our people by requiring that at least 10 per cent of their employees shall be citizens, adding to this 10 per cent each year until all employees are citizens, allowing them to take the colored people from this country to displace the Asiatics if they so desire.

In opposition to this, the chairman of this committee calls attention to the fact that the peculiar conditions and kinds of work in that country may demand the employment of the Asiatics, who by the bill are denied the right of citizenship. I simply call attention to the fact that we, by our action here, are admitting that we at least hold it to be a matter of grave doubt whether we have any laborers that are adapted to the chief industries of our new possessions.

Another thing I earnestly condemn. We have just passed an amendment to this bill which directly destroys the postal savings bank that the government of Hawaii had established without

offering anything in its place. Thus we drive all deposits to private banks, which too often fail. We are really carrying those people backward instead of forward in this, while we boast of our superior civilization.

I will not take up any more time now, but I will extend my remarks in the RECORD.

Mr. KNOX. Mr. Chairman—

The CHAIRMAN. The gentleman's amendment is still pending.

Mr. McRAE. I hope the gentleman will modify that by also excepting section 10 and let that go into operation at once.

Mr. KNOX. We could not do that.

The amendment of Mr. KNOX was agreed to.

Mr. NEWLANDS. Mr. Chairman, with the permission of the chairman of the committee, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

1. Insert on page 83, after section 76, a new section, to read as follows:

"There shall be a commissioner of labor, whose duty it shall be to collect, assort, arrange, and present in annual reports to the governor and to the legislature and to the Department of Labor of the United States statistical details relating to all departments of labor in the Territory, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as the legislature may by law direct. The said commissioner is specially charged to ascertain, at as early a date as possible and as often thereafter as such information may be required, the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to the United States Commissioner of Labor."

2. Insert in section 80, on page 85, line 2, after the word "forestry," the words "commissioner of labor."

The CHAIRMAN. The gentleman from Nevada [Mr. NEWLANDS] asks unanimous consent to return to the section referred to in his amendment for the purpose of offering an amendment. Is there objection?

There was no objection.

[Mr. NEWLANDS addressed the committee. See Appendix.]

Mr. KNOX. Mr. Chairman, this amendment is general in its provisions, and I was induced to say that I would not object to it, because it was drawn by the Commissioner of Labor, Mr. Wright, whom we all know to be an able man, and who has thoroughly investigated these questions, and is better able to judge of what is necessary and proper than I am. Therefore I agreed to offer no objection to the amendment.

Mr. HITT. Does this provide any salary for the commissioner?

Mr. NEWLANDS. No.

The amendment was agreed to.

Mr. KNOX. Inasmuch as one section of the bill has been stricken out, I ask unanimous consent that the sections may be renumbered, to make them consecutive.

The CHAIRMAN. The Clerk will perform that duty.

Mr. KNOX. Mr. Chairman, inasmuch as this whole House bill is an amendment to the Senate bill, striking out the enacting clause and inserting the bill that we have been considering, I move that this amendment be now adopted.

The CHAIRMAN. The gentleman from Massachusetts moves that the amendment in the nature of a substitute proposed by the Committee on Territories, as amended, be agreed to.

Mr. BARTLETT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. If this motion prevails, does it prevent the voting in the House upon amendments to this amendment?

The CHAIRMAN. That question will arise in the House and there be disposed of.

Mr. BARTLETT. We should like to know before we vote.

The CHAIRMAN. The Chair has no authority to express an opinion upon what will arise in the House.

Mr. ROBINSON of Indiana. I should like to ask the chairman of the Committee on Territories—

Mr. BARTLETT. Mr. Chairman—

The CHAIRMAN. The gentleman from Georgia still holds the floor.

Mr. ROBINSON of Indiana. Excuse me.

Mr. BARTLETT. I desire to know whether this is a request for unanimous consent or whether it is a motion?

The CHAIRMAN. It is a motion in order.

Mr. KNOX. It is the usual motion that is made in such cases.

Mr. BARTLETT. I am not proposing to object to it.

Mr. ROBINSON of Indiana. Pending that, I would like to ask the privilege of submitting an amendment to the last section, or an amendment to the amendment that the Committee on Territories proposed a moment ago.

Mr. KNOX. What is it?

Mr. ROBINSON of Indiana. It is a change from thirty to sixty days in the time at which the bill should take effect.

Mr. KNOX. I am informed by the Department that the time we have already fixed for this bill to take effect is too short. It takes—I do not know how long for the bill to get to San Francisco, and we have no cable to Hawaii.

Mr. ROBINSON of Indiana. I am sorry for that, as there are some matters on which it ought to take effect early.

Mr. KNOX. We have provided that some provisions take effect at once.

Mr. ROBINSON of Indiana. Does that include section 10—the labor provision?

Mr. KNOX. No; it does not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts, in the nature of a substitute.

The question was taken; and the substitute was agreed to.

Mr. KNOX. I move that the committee now rise and report the bill and amendment to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 222, and had directed him to report the same with an amendment in the nature of a substitute, with the recommendation that the bill as thus amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. BARTHOLDT. Mr. Speaker, since the parliamentary status of the bill is such that no amendment can be voted upon separately, and the only opportunity to offer an amendment is by a motion to recommit to the Committee on Territories, I desire to offer such a motion.

The SPEAKER. The gentleman from Missouri submits a motion to recommit, which the Clerk will report.

The Clerk read as follows:

That the bill be recommitted to the Committee on Territories with instructions to strike out of page 71, line 7, after the word "allowed," the words "nor shall saloons for the sale of intoxicating liquors be allowed," and that the bill be reported back forthwith.

Mr. CANNON. Mr. Speaker, I desire to make a parliamentary inquiry. Suppose that motion is adopted. I desire to know whether it would be the duty of the gentleman in charge of the bill at once on its adoption to report back the bill as instructed.

The SPEAKER. The Chair will state, in reply to the parliamentary inquiry of the gentleman from Illinois, that it has been held repeatedly that the chairman of the committee who reports the bill, if this motion should prevail, should report it back forthwith, without leaving his seat or consulting his committee; and the Chair will further state that in the recollection of the Chair, on a motion made by the gentleman from Illinois who makes the parliamentary inquiry, that ruling was made. The question is on agreeing to the motion.

Mr. LITTLEFIELD. I call for the yeas and nays. [Cries of "Oh, no!"]

Mr. FINLEY. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. FINLEY. For a parliamentary inquiry. I wish to know whether or not unanimous consent is necessary on that motion?

The SPEAKER. On this motion; not at all. It is a privilege the gentleman has. The question is on agreeing to the motion.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 50, noes 83.

Mr. PARKER of New Jersey and Mr. BARTHOLDT. The yeas and nays.

The question was taken on ordering the yeas and nays.

The SPEAKER. Eighteen gentlemen have arisen—not a sufficient number; the yeas and nays are refused. The noes have it, and the motion is lost. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KLEBERG and others. Division!

The House divided; and there were—ayes 120, noes 28.

Mr. KLEBERG. The yeas and nays, Mr. Speaker.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twelve gentlemen have arisen—not a sufficient number; the yeas and nays are refused. The ayes have it, and the bill is passed.

On motion of Mr. KNOX, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS RED RIVER AT ALEXANDRIA, LA.

Mr. BREAZEALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 10311) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River, at or near the town of Alexandria, in the parish of Rapides, State of Louisiana.

The bill was read at length.

The amendment recommended by the committee was read.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BREAZEALE, a motion to reconsider the vote by which the bill was passed was laid on the table.

NORTHERN JUDICIAL DISTRICT OF GEORGIA.

Mr. FLEMING. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 60, which simply provides for a subdivision of the northern district of Georgia, in order that the court may be held at a more central point for carrying on the business. It is unanimously reported.

The Clerk read as follows:

A bill (H. R. 60) to create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Dade, Walker, Cattoosa, Whitfield, Murray, Chattooga, Gordon, Floyd, Bartow, Polk, Paulding, Haralson, and Carroll, in the State of Georgia, shall constitute the northwestern division of the northern judicial district of Georgia, and a term of the circuit and district courts for said district shall be held in said division hereby created at the city of Rome on the third Monday of May and the third Monday of November of each year. Each of said terms to continue two weeks or longer, if necessary, to dispose of the business at any time pending in said court.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in said northwestern division of said district shall be brought in said northwestern division; but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside, and all mesne and final process subject to the provisions of this act issued in either of the divisions of the northern district of Georgia may be served and executed in either or all of the divisions.

SEC. 3. That all crimes and offenses against the laws of the United States hereafter committed within the counties comprising the northwestern division of said district shall be prosecuted, tried, and determined at the terms of the circuit and district courts herein provided for: *Provided, however*, That all such crimes and offenses heretofore committed within said district shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 4. That the clerks of the circuit and district courts for said northern district and the marshal of said district shall each appoint a deputy, who shall reside and maintain an office at the city of Rome, each of whom, in the absence of the clerks and marshal, shall exercise all the powers and perform all the duties of his principal within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure; and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

SEC. 5. That all the grand jurors and all jurors for the trial of civil and criminal courts in the division hereby created shall be selected from citizens residing in the division created by this act.

The amendments recommended by the committee were read, as follows:

Page 1, from lines 10, 11, and 12, strike out the following: "Each of said terms to continue two weeks or longer, if necessary to dispose of the business at any time pending in said court" and insert in lieu thereof the following: "*Provided, however*, That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States."

Page 2, line 11, strike out the word "Hereafter."

Page 2, strike out all of lines 15, 16, 17, and 18, and insert in lieu thereof the following: "that all prosecutions begun and pending at the taking effect of this act shall be proceeded with and finally determined as if this act were not passed."

Page 2, line 20, strike out the words "and the marshal of said district."

Page 2, line 23, strike out the words "and marshal."

Page 3, from lines 3, 4, and 5, strike out the following: "and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies."

Page 3, line 7, strike out the word "courts" and insert in lieu thereof the word "causes."

Page 3, after line 9, insert the following:

"SEC. 6. That this act shall take effect from and after the 30th day of June, A. D. 1900, and all acts and parts of acts so far as inconsistent herewith are hereby repealed."

Mr. PAYNE. I would like to ask the gentleman from Georgia if this bill makes any extra charge on the Treasury?

Mr. FLEMING. It does not.

Mr. PAYNE. And is it the unanimous report of the committee?

Mr. FLEMING. It is; and it creates no additional charge on the Treasury. The city of Rome furnishes the building free.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. FLEMING, a motion to reconsider the last vote was laid on the table.

REPRINT.

Mr. HITT. Mr. Speaker, I desire to ask unanimous consent of the House to order a reprint of the Senate Document 229, second

session Fifty-fifth Congress, there being a bill now pending before the Committee on Foreign Affairs for the equitable distribution of the waters of the Rio Grande, and the document is exhausted. I have submitted this to the chairman and the Committee on Printing, and they say they have no objection.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the reprint of Senate Document No. 229, second session Fifty-fifth Congress. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. STEELE. Mr. Speaker, I move that the House do now adjourn.

MESSAGE FROM THE PRESIDENT.

The SPEAKER. Pending that motion, the Chair will submit a message from the President of the United States.

The message from the President of the United States was read, as follows, ordered to be printed, and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

By the act of Congress approved December 28, 1892, a copy of which is annexed, the Attorney-General of the United States "is authorized and directed to bring suit in the Court of Claims against La Abra Silver Mining Company, its successors and assigns, and all persons making any claim to the award or any part thereof in this act mentioned, to determine whether the award made by the United States and Mexican Mixed Commission in respect to the claim of the said La Abra Silver Mining Company was obtained, as to the whole sum included therein or as to any part thereof, by fraud effectuated by means of false swearing or other false and fraudulent practices on the part of the said La Abra Silver Mining Company, or its agents, attorneys, or assigns; and, in case it be so determined, to bar and foreclose all claim in law or equity on the part of said La Abra Silver Mining Company, its legal representatives or assigns, to the money, or any such part thereof, received from the Republic of Mexico for or on account of such award."

In pursuance of the provisions and powers of this act, the Attorney-General did, on behalf of the United States, bring suit in the Court of Claims against La Abra Silver Mining Company et al.; and on June 24, 1897, that court decided that the award made by the United States and Mexican Mixed Commission in favor of said La Abra Silver Mining Company was obtained by fraud, and a decree was rendered barring and foreclosing all claim on the part of said company, its agents, attorneys, or assigns, to the money received from the Republic of Mexico on account of said award. A copy of this decision is herewith transmitted.

The Supreme Court of the United States, on appeal, having affirmed in full the decision of the Court of Claims, the Secretary of State, in accordance with section 4 of the act referred to and the judicial proceedings above recited, and acting under my direction, on March 28, 1900, turned over to the ambassador of the Republic of Mexico at Washington the balance, amounting to \$403,000.08, remaining under the control of the Department of State of the sum paid by the Government of Mexico on account of La Abra award.

I transmit a copy of the Secretary of State's note of transmittal, as well as a translation of the ambassador's cordial note of acknowledgment.

It affords me pleasure to communicate to Congress the accomplishment of this act of equity and good faith toward a friendly Republic.

WILLIAM MCKINLEY.

EXECUTIVE MANSION,
Washington, April 6, 1900.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

- H. R. 4047. An act granting an increase of pension to James S. Jordan;
- H. R. 3775. An act granting an increase of pension to Robert Boston;
- H. R. 3694. An act granting an increase of pension to James Bottoms;
- H. R. 3640. An act granting a pension to Mary Pollock;
- H. R. 3635. An act granting an increase of pension to Timothy B. Eastman;
- H. R. 3268. An act granting an increase of pension to James W. Kessler;
- H. R. 3085. An act granting an increase of pension to William Sheppard;
- H. R. 3021. An act granting a pension to Eliza H. Getchel;
- H. R. 6885. An act granting an increase of pension to Horace B. Durant;
- H. R. 493. An act granting a pension to Fanny M. Hays;
- H. R. 1754. An act granting a pension to Helen M. Hull;
- H. R. 1507. An act granting an increase of pension to William H. La Count;
- H. R. 1458. An act granting an increase of pension to John E. Whinnery;
- H. R. 3863. An act granting an increase of pension to Alfred Dyer;
- H. R. 4681. An act granting an increase of pension to Elizabeth Keiff;
- H. R. 5882. An act granting an increase of pension to John B. Fairchilds;
- H. R. 3167. An act granting an increase of pension to Thomas H. Cook;
- H. R. 205. An act granting an increase of pension to George C. Snyder;
- H. R. 8610. An act granting an increase of pension to Abner S. Crawford;

H. R. 434. An act granting an increase of pension to Jessie Smith;

H. R. 8120. An act granting an increase of pension to David L. Wentworth;

H. R. 7594. An act granting a pension to Amelia Taylor;

H. R. 7488. An act granting a pension to John C. Ray;

H. R. 7445. An act granting a pension to Emma B. Reed;

H. R. 7322. An act granting an increase of pension to Frederick E. Vance;

H. R. 8395. An act granting an increase of pension to Henry Johns;

H. R. 457. An act granting a pension to Clara L. Harriman;

H. R. 240. An act granting an increase of pension to George W. Wakefield;

H. R. 6304. An act granting an increase of pension to James J. Lyons;

H. R. 6284. An act granting an increase of pension to James Crawley;

H. R. 6161. An act granting an increase of pension to John Landegan;

H. R. 5503. An act granting an increase of pension to Samuel Hanson;

H. R. 5346. An act granting a pension to Elizabeth B. Norris;

H. R. 5211. An act granting a pension to Lizzie M. Dixon;

H. R. 5169. An act granting an increase of pension to Charles Weed;

H. R. 5110. An act granting an increase of pension to Edward T. Kennedy;

H. R. 5203. An act granting an increase of pension to Samuel A. Greeley;

H. R. 4828. An act granting a pension to Susie E. Johnson;

H. R. 4655. An act granting a pension to Elizabeth C. Rice;

H. R. 2999. An act granting an increase of pension to George M. Brown;

H. R. 2865. An act granting an increase of pension to Louis H. Gein;

H. R. 2809. An act granting an increase of pension to Moses F. Woods;

H. R. 2681. An act granting an increase of pension to Calista F. Hall;

H. R. 2397. An act granting a pension to Eliza S. Redfield;

H. R. 2203. An act granting an increase of pension to John M. Garrett;

H. R. 1890. An act to increase the pension of John Houk;

H. R. 1800. An act granting a pension to Lutheria H. Maynard;

H. R. 6932. An act granting a pension to Carrie P. Dale;

H. R. 7939. An act to amend an act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; and

H. J. Res. 216. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

CHANGE OF REFERENCE.

The SPEAKER. The Chair will lay before the House a change of reference of two bills: H. R. 10223, for improvement of navy-yard bridge at Washington, D. C., and H. R. 10223, providing for the erection of engine house and the purchase of a chemical engine at Congress Heights, D. C., from the Committee on the District of Columbia to the Committee on Appropriations. Without objection, this change of reference will be made.

There was no objection.

REPRINT OF A BILL.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the reprint of House bill 64, known as the shipping bill.

The SPEAKER. The gentleman from Ohio asks for a reprint of House bill 64. Is there objection?

Mr. RICHARDSON. Let us have the title of the bill read, Mr. Speaker.

Mr. GROSVENOR. It is the shipping bill.

The SPEAKER. Is there objection? [After a pause.] The chair hears none, and it is so ordered.

Mr. STEELE. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

Mr. LACEY. The gentleman calls for the regular order, and to adjourn is not the regular order. It is the call of committees.

The SPEAKER. The gentleman from Illinois moved to adjourn, and the Chair submitted some papers upon the Speaker's table. The motion of the gentleman from Illinois must be put by the Chair.

The question was taken; and on a division (demanded by Mr. LACEY) there were—52 ayes and 38 noes.

So the motion was agreed to; and accordingly (at 3 o'clock and 50 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Clinch River—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the brig *Pilgrim*, John Thissel, master, against the United States—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. Q. Roberts, administrator of estate of Henry M. Roberts, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of law and fact in the case of the schooner *Betsey*, Lemuel Moody, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 9559) to provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, S. Dak., reported the same with amendment, accompanied by a report (No. 938); which said bill and report were referred to the House Calendar.

Mr. DOLLIVER, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 428) to amend the law establishing a port of delivery at Des Moines, Iowa, reported the same with amendment, accompanied by a report (No. 939); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUDENSLAGER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 10227) authorizing the President to appoint an inspector to be attached to the office of the Secretary of the Navy, reported the same without amendment, accompanied by a report (No. 941); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LITTLEFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 2551) to provide for the further distribution of the Reports of the Supreme Court, reported the same with amendment, accompanied by a report (No. 942); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BABCOCK, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1996) revoking and annulling the subdivision of Pencote Heights, in the District of Columbia, reported the same without amendment, accompanied by a report (No. 943); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. NEEDHAM, from the Committee on Claims, to which was referred the bill of the Senate (S. 227) for the relief of the Continental Fire Insurance Company and others, reported the same without amendment, accompanied by a report (No. 940); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 9362) granting a pension to James R. Keary—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10503) for increase of pension to Sarah S. Willis—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10416) for the relief of Elizabeth L. W. Bailey, administratrix, etc.—Committee on the District of Columbia discharged, and referred to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. CURTIS: A bill (H. R. 10504) to authorize the construction and maintenance of a dam or dams across the Kansas River, within Shawnee County, in the State of Kansas—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: A bill (H. R. 10505) to establish permanent camp grounds in the North, East, South, and West, and for other purposes—to the Committee on Military Affairs.

By Mr. JOHNSTON: A bill (H. R. 10506) to authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River, from Kenova, W. Va., to Catlettsburg, Ky.—to the Committee on Interstate and Foreign Commerce.

By Mr. SHAFROTH: A bill (H. R. 10507) to establish a soldiers' home near Denver, Co'o.—to the Committee on Military Affairs.

By Mr. MARSH: A bill (H. R. 10508) for the rearming of the National Guard of the several States and Territories—to the Committee on Military Affairs.

By Mr. JENKINS: A joint resolution (H. J. Res. 226) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BURTON: A joint resolution (H. J. Res. 227) for a preliminary examination and survey of Cleveland Harbor, with a view to the further improvement thereof—to the Committee on Rivers and Harbors.

By Mr. McCLELLAN: A resolution (H. Res. 213) directing the Secretary of the Treasury to transmit to the House of Representatives a statement of the action of the Treasury Department in the case of Jorge Cruz, a resident of Puerto Rico, brought to New York under contract to labor in the United States, and all other facts regarding the case—to the Committee on Immigration and Naturalization.

By Mr. NAPHEN: Resolutions of the Massachusetts legislature, in favor of the establishment of a harbor of refuge at Pleasant Bay, on the eastern shore of Cape Cod, Massachusetts—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARNEY: A bill (H. R. 10509) granting a pension to Frederick A. Becker—to the Committee on Invalid Pensions.

By Mr. BOUTELLE of Maine: A bill (H. R. 10510) granting pension to Dominicus J. Wardwell—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 10511) for the relief of John Smith, of Arkansas—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 10512) granting a pension to Mrs. Martha M. Hawkins, widow of Preston Hawkins, late of Company C, First Regiment Alabama Volunteer Cavalry—to the Committee on Pensions.

Also, a bill (H. R. 10513) granting a pension to William J. Jackson, a veteran of the Mexican war—to the Committee on Pensions.

By Mr. CURTIS: A bill (H. R. 10514) to collect \$450 due Mrs. Mary F. Allen, as the daughter of Dr. James W. Butler—to the Committee on War Claims.

By Mr. ELLIOTT: A bill (H. R. 10515) for the relief of Mrs. Sabina O'Callaghan, administratrix of the estate of Denis O'Callaghan, deceased—to the Committee on War Claims.

By Mr. GILBERT: A bill (H. R. 10516) granting a pension to James W. Poor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10517) granting a pension to Levi Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10518) for the relief of David Huddleson—to the Committee on Military Affairs.

Also, a bill (H. R. 10519) for the relief of Jonathan Jacobs—to the Committee on Military Affairs.

Also, a bill (H. R. 10520) for the relief of John Nolan—to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 10521) granting a pension to Charlotte W. Drew—to the Committee on Pensions.

By Mr. HITT: A bill (H. R. 10522) granting a pension to Mary J. Wilson—to the Committee on Invalid Pensions.

By Mr. JACK: A bill (H. R. 10523) to correct the military record of John H. Campbell—to the Committee on Military Affairs.

By Mr. LANHAM: A bill (H. R. 10524) granting an increase of pension to Lewis H. Riden—to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 10525) for the relief of the Methodist Episcopal Church at Macon, Mo.—to the Committee on War Claims.

By Mr. MIERS of Indiana: A bill (H. R. 10526) granting a pension to Eliza J. Houch—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 10527) to correct the military record of Capt. Daniel H. Powers—to the Committee on Military Affairs.

Also, a bill (H. R. 10528) for the relief of James Conway—to the Committee on Military Affairs.

By Mr. SPIGHT: A bill (H. R. 10529) for the relief of the estate of John Caruth, deceased, late of Marshall County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10530) for the relief of Jacob Joiner, of De Soto County, Miss.—to the Committee on War Claims.

By Mr. STALLINGS: A bill (H. R. 10531) for the relief of Sarah Antrey, of Conecuh County, Ala.—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 10532) granting a pension to Charles A. Brighton, alias Thomas Anfinson—to the Committee on Invalid Pensions.

By Mr. TATE: A bill (H. R. 10533) for relief of Milton Holt—to the Committee on Military Affairs.

Also, a bill (H. R. 10534) for relief of Valina S. Hutchinson—to the Committee on Invalid Pensions.

By Mr. TERRY (by request): A bill (H. R. 10535) for the relief of Eleazor Davis, of Pulaski County, Ark., late private of Company A, Fifty-fourth Regiment Pennsylvania Infantry Volunteers—to the Committee on Military Affairs.

By Mr. WISE: A bill (H. R. 10536) for the relief of A. O. Tucker—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition of David Moore, J. B. Cousin, and other citizens of Baraboo, also James Pinch and others, of Grant County, Wis., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. BAILEY of Kansas: Remonstrance of Frank Marvin and other business men of Seneca, Kans., against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. BOUTELLE of Maine: Papers to accompany House bill granting a pension to Dominicus J. Wardwell—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Petition of the Lawrence Drug Company and other druggists of Lawrence, Kans., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

Also, petition of the Commercial Travelers' Mutual Accident Association, for a trade treaty between the United States and Canada—to the Committee on the Judiciary.

By Mr. BURNETT: Papers to accompany House bill granting a pension to Mrs. Martha M. Hawkins, widow of Preston Hawkins—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of the Fairmont Creamery Association, of Chester County, Pa., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Media, Pa., to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

By Mr. CANNON: Petition of citizens of Manhattan and vicinity, in Will County, Ill., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. CHANLER: Petition of Association of American Advertisers of New York, favoring the passage of House bill No. 9632, for the issuance of postal check notes—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Pennsylvania Fish Protective Association, for the passage of House bill No. 7343, establishing a fish hatchery and fish station in Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Boorum & Pease Company, of New York City, N. Y., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fairchild Bros. & Foster, of New York City, N. Y., urging the passage of House bill No. 5765, known as the Russell bill, relating to the revenue tax on alcohol in manufactures, etc.—to the Committee on Ways and Means.

By Mr. DALZELL: Resolutions of the Young Peoples' Society of Christian Endeavor of the Third United Presbyterian Church of Pittsburg, Pa., against saloons in Territories, canteens in the Army, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. DE VRIES: Petition of the Woman's Christian Temperance Union of Linden, Cal., against the sale of intoxicants in the Army—to the Committee on Military Affairs.

By Mr. ELLIOTT: Resolutions of the Woman's Christian Tem-

perance Union of Anderson, S. C., favoring the passage of the bill to prohibit the sale of intoxicants in the Philippines—to the Committee on Insular Affairs.

By Mr. FITZGERALD of Massachusetts: Resolutions of the board of aldermen of Boston, Mass., protesting against the action of the trustees of the Boston Terminal Company in sending a protest to Secretary of War Root against the Cove street bridge—to the Committee on Interstate and Foreign Commerce.

By Mr. GAMBLE: Petition of the Free Methodist Church of Wessington Springs, S. Dak., favoring a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of the Woman's Christian Temperance Union of Erwin, S. Dak., relative to the sale of liquors in the new possessions—to the Committee on Insular Affairs.

Also, petition of faculty and members of the Lutheran Normal School of Sioux Falls, S. Dak., against the passage of the Loud bill relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of M. Brusveen and others, of Valley Springs and county of Minnehaha, S. Dak., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. HOPKINS: Petition of J. B. Atherton and other citizens of Hawaii, and Young People's Society of Christian Endeavor, of Marengo, Ill., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

Also, petition of Bradford Smith and other citizens of McHenry, Ill., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. HOWELL: Petition of D. B. Birney Post, No. 95, of Red Bank, N. J., Grand Army of the Republic, favoring the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. JACK: Petition of John A. Hunter Post, No. 123, of Leechburg, Pa., Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KAHN: Petition of the California State Dental Association, in favor of House bill No. 7017, amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by patentees holding patents covering methods and devices for treating ailments and disabilities—to the Committee on Patents.

By Mr. KERR: Petition of the Woman's Christian Temperance Union of Norwalk, Ohio, favoring the enactment of a bill limiting immigration to such as are able to read and write—to the Committee on Immigration and Naturalization.

Also, petition of the National Hay Association, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM: Petition of Lefevre Post, No. 168, of Highland, N. Y., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. KLUTTZ: Petition of L. C. Arrowood and others, of Bessemer City, N. C., in favor of the Grout bill taxing oleomargarine—to the Committee on Ways and Means.

By Mr. LANE: Petition of N. B. Howard Post, No. 92, of De Witt, Iowa, Grand Army of the Republic, in support of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. LLOYD: Affidavits to accompany House bill for the relief of the Methodist Episcopal Church at Macon, Mo.—to the Committee on War Claims.

By Mr. LONG: Petition of John Fisher and 124 citizens of Wichita, Kans., asking for the passage of the bill to recompense ex-prisoners of war—to the Committee on Military Affairs.

By Mr. McCALL: Petition of the Walker-Rintels Drug Company, of Boston, Mass., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. MERCER: Petition of 100 citizens of Blair, Nebr., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. MIERS of Indiana: Papers to accompany House bill for the relief of Eliza J. Houch—to the Committee on Invalid Pensions.

By Mr. MOON: Resolution of Lewis Collins Post, No. 88, of Pikeville, Tenn., Grand Army of the Republic, urging the passage of House bill No. 7094, for the establishment of a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill No. 2137, to correct the military record of Jesse C. Allen, of Benton, Tenn.—to the Committee on Military Affairs.

By Mr. NAPHEN: Petition of the stock fire-insurance companies of Massachusetts, for the repeal of the war-revenue tax relating to insurance—to the Committee on Ways and Means.

Also, resolution of Frederick Hecker Post, No. 21, Department of Massachusetts, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, resolutions of the Transvaal Committee of California, expressing sympathy for the people of the South African and Orange Free State Republics—to the Committee on Foreign Affairs.

Also, resolutions of a mass meeting of citizens of Charlestown, Mass., for the construction of gunboats and cruisers in the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. NORTON of South Carolina: Resolutions of the Woman's Christian Temperance Union of Anderson County, S. C., against the sale of intoxicating liquors in the Philippines and Hawaii—to the Committee on Insular Affairs.

By Mr. RIORDAN: Petition of Harry G. Nast and others, of New York City, N. Y., in favor of the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Petition of Modern Woodmen's Society of Orland, Ind., in favor of an amendment to the Loud bill so as to admit fraternal papers at second-class rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Commercial Club of Fort Wayne, Ind., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Simonson Post, No. 151, of Churubusco, Ind., Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of Thomas R. Marshall and 25 citizens of Wolcottville, Ind., favoring the passage of the Grout oleomargarine bill—to the Committee on Agriculture.

By Mr. SHATTUC: Resolutions of the Ohio Commandery of the Military Order of the Loyal Legion, Cincinnati, Ohio, favoring action by the Government for acquiring additional grounds for use of Fort Thomas, Ky.—to the Committee on Military Affairs.

By Mr. SMITH of Kentucky (by request): Petition of B. F. Wilson, to accompany House bill for his relief—to the Committee on Invalid Pensions.

By Mr. SPALDING: Petition of Post No. 9, Department of North Dakota, Grand Army of the Republic, in support of House bill No. 4742, to provide for the detail of active and retired officers of the Army and Navy to assist in military education in public schools—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: Petition of Emmett Crawford Post, No. 19, El Paso, Tex., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. TAWNEY: Petitions of the Evangelical Association, also of churches, of Preston, Minn., urging the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. TERRY: Papers to accompany House bill to correct the military record of Eleazar Davis—to the Committee on Military Affairs.

By Mr. UNDERHILL: Petition of the Woman's Christian Temperance Union of Yonkers, N. Y., favoring the enactment of a clause in the Hawaiian constitution forbidding the manufacture and sale of intoxicating liquors and a prohibition of gambling and the opium trade—to the Committee on the Territories.

By Mr. VREELAND: Petitions of the Evangelical Association and the Independent Congregation of Dunkirk, Christian Endeavor Society of Magnolia, Baptist and Methodist churches of Forestville, Christian Endeavor Society of Lakewood, Woman's Christian Temperance Union of Gerry, and Villanova Grange Hamlet, State of New York, to prohibit the sale of intoxicating liquors in Army canteens, etc.—to the Committee on Military Affairs.

Also, petition of J. F. Multrus, of Allegany, N. Y., in relation to the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. WADSWORTH: Petition of Samuel D. Hood Post, No. 91, Department of New York, Grand Army of the Republic, in favor of House bill No. 7094, for the establishment of a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. WILSON of New York: Resolutions of the Real Estate Board of Brokers, against stamp taxation—to the Committee on Ways and Means.

By Mr. YOUNG: Petition of the Pennsylvania Mycological So-

ciety, Academy of Natural Sciences, Philadelphia, Pa., in favor of a national park being made of the Calaveras grove of sequoias in the State of California—to the Committee on the Public Lands.

Also, resolution of the Keystone Association, Philadelphia, Pa., favoring the passage of House bill No. 6872, providing that the Allied Printing Trades label be used on all Government publications—to the Committee on Printing.

Also, petition of the executive committee of the Temperance Association of Friends of Philadelphia Yearly Meeting, for the passage of the anti-canteen bill—to the Committee on Military Affairs.

SENATE.

SATURDAY, April 7, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. KEAN. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. JONES of Arkansas. I believe the practice of dispensing with the reading of the Journal is a very pernicious one. I think in emergencies, where there is any reason why the time of the Senate should not be taken in this way, the reading may be dispensed with, but ordinarily the Senate ought to know, and it is the only time the Senate has any means of knowing, what is the official record of the proceedings of the day before. I hope the practice of dispensing with the reading will not be indulged in to the extent it has been done heretofore. I shall not object at this time, but hereafter I shall object to dispensing with the reading of the Journal unless there is some reason for it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Jersey? The Chair hears none. Without objection, the Journal stands approved.

PRINTING AND BINDING, TREASURY DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the chief of the Division of Stationery, Printing, and Blanks, in relation to the necessity for an additional appropriation of \$60,000 for printing and binding for the Treasury Department for the remainder of the current fiscal year: which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

AGES OF EMPLOYEES IN EXECUTIVE DEPARTMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 16th ultimo, a statement showing by specified ages the number of regular employees in the War Department, etc.; which, with the accompanying papers, was ordered to lie on the table and be printed.

ACTING ASSISTANT SURGEONS, UNITED STATES NAVY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army inclosing draft of a bill conferring upon acting assistant surgeons of the Army the same rights and privileges as regards leaves of absence as commissioned officers of the Army; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 60) to create the northwestern division of the northern district of Georgia for judicial purposes, and to fix the time and place for holding court therein; and

A bill (H. R. 10311) to authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River at or near the town of Alexandria, in the parish of Rapides, State of Louisiana.

PETITIONS AND MEMORIALS.

Mr. KENNEY presented a petition of sundry citizens of Kent County, Del., praying that an appropriation be made for cutting a channel through the sand bar at the mouth of the St. Jones River in that State; which was referred to the Committee on Commerce.

Mr. BURROWS presented the memorials of F. H. Gage, of Olivet; of M. A. Hanse, of Olivet, and A. E. Putnam, of Milan, all in the State of Michigan, remonstrating against the passage of the so-called parcels-post bill: which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Trades Council of Sault Ste. Marie; of Local Union No. 100, United Brotherhood of Carpenters and Joiners, of Muskegon; of the Central Labor Union of